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FLORIDA GAMING CONTROL COMMISSION

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Meeting Agenda

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Thursday, May 2, 2024

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9:30 AM

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Marriott Fort Lauderdale Airport

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166 North Compass Way

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Dania Beach, Florida 33004

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Stenographically Reported By:

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STELLA KIM

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24 Job No. 357258

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1 APPEARANCES:

2 Julie I. 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 Joseph Dillmore, Director of PMW

11 Elina Valentine, General Counsel

12 Elizabeth Stinson, Chief Attorney

13 Joseph Klein, Senior Attorney

14 Lisa Mustain, Director of Administrative

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1 PUBLIC SPEAKERS:

2 Patrick Bland

3 Steve Calabro

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1 FLORIDA GAMING CONTROL COMMISSION

2 Meeting Agenda

3 Thursday, May 2, 2024

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6 VICE CHAIR BROWN: Good morning,
7 everyone, and welcome to the Florida Gaming Control
8 Commission's May 2nd meeting. Today is May 2nd and
9 the time is 9:30. There's a lot of you here in the
10 audience from our staff that I want to welcome you
11 all for -- and thank you all for coming out here,
12 as well as a variety of stakeholders here as well
13 that made the trip.

14 So thank you. In the spirit of our nation and
15 our nationalism, even though we don't have an
16 American flag, can you please stand for the Pledge
17 of Allegiance which will be given by our Chief of
18 Slots, Mr. Bill Crafts.

19 (Thereupon, Pledge of Allegiance recited)

20 VICE CHAIR BROWN: Thank you,
21 Mr. Crafts.

22 All right. So the agenda, I just want to kind
23 of give you guys an overview today. We have an
24 attorney-client session after we get into public
25 comment, which will be closed to the public. It

1 will be approximately 30 minutes. Ms. Parker will
2 let you all know once that attorney-client meeting
3 has been concluded. So we will recess after public
4 comment.

5 We are also going to take public comment on
6 cashless wagering after the attorney-client
7 meeting. So if you'd like to speak at that, you
8 can hold off until that period. But if you'd like
9 to speak about any other item as it pertains to the
10 Commission, you can speak in the general public
11 comment.

12 So with that, Commissioners, we're going to go
13 right into the meeting. And with the approval of
14 the meeting minutes for December 6th and March 6th,
15 can I get a motion to approve those items?

16 COMMISSIONER REPP: Motion to approve
17 both items.

18 VICE CHAIR BROWN: Is there a
19 second?

20 COMMISSIONER D'AQUILA: A second.

21 VICE CHAIR BROWN: All those in
22 favor say aye?

23 (Chorus of ayes)

24 VICE CHAIR BROWN: Thank you. The
25 motion passes.

1 I do also want to note for the record that
2 while we do not have the Florida channel here, this
3 meeting is being transcribed by our reporter right
4 here. So just please speak very clearly so she can
5 hear everything and state your name as well.

6 All right. We are moving onto Item 2, which
7 is the discussion of Amended Application For Card
8 Room West Volusia Racing.

9 Staff, good morning.

10 MR. DILLMORE: Good morning,
11 Commissioner. Thank you. I'll be handling Item
12 2.1, Case No. 2024-017556, West Volusia Racing
13 doing business as Orange City Racing and Card Club.
14 They have an application to amend their '24-'25
15 cardroom license. They also have a pari-mutuel
16 operator license for that year as well.

17 They have currently 40 tables for that year,
18 and they have submitted application to add 18 more
19 tables. Staff has reviewed the application, and
20 they picked their dollar per-table fee. And the
21 staff recommendation is for the Commission to
22 approve the amended 2024 to '25 cardroom meeting
23 lottery license.

24 VICE CHAIR BROWN: Thank you.

25 Commissioners, do you have any questions on

1 the side of this -- it complies with all the
2 statutory requirements. If not, can we get a
3 motion to approve the amended application
4 for cardroom?

5 COMMISSIONER D'AQUILA: I will make a
6 motion to approve the amended application for
7 cardroom.

8 VICE CHAIR BROWN: Is there a
9 second?

10 COMMISSIONER DRAGO: Second.

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

13 (Chorus of ayes)

14 VICE CHAIR BROWN: Thank you. Thank
15 you, Mr. Dillmore.

16 We're going into discussion of default final
17 orders, Items 3.1 through 3.7. Mr. Klein, good
18 morning.

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

21 Item 3.1 is FGCC versus Iver Daniel, Gutierrez
22 Guzman. Case No. 2023-025665. The Division filed
23 an administrative complaint alleging that
24 Respondent was ejected and permanently excluded
25 from Magic City Casino on April 23rd, 2023.

1 The Division attempted service by certified
2 mail as well as hand delivery which were both
3 unsuccessful. The Division then had a notice of
4 the administrative complaint published in the Sun
5 Sentinel for four consecutive weeks. Respondent
6 failed to respond to the notice in a timely manner,
7 which would have been no later than March 20th,
8 2024. He's therefore subject to permanent
9 exclusion from all pari-mutuel and slot machine
10 facilities in the state pursuant to Sections
11 550.251 subsection (6) and 551.112, respectively.

12 The Division would ask that the Commission
13 find that the Respondent was properly served; that
14 he failed to timely respond; that the facts in the
15 administrative complaint are accepted as the facts
16 in this case; and include that Respondent be
17 excluded from all pari-mutuel and slot machine
18 facilities in the state of Florida.

19 VICE CHAIR BROWN: Thank you,
20 Mr. Klein.

21 Commissioners, can we get a motion to approve
22 the final order permanently excluding the
23 Respondent?

24 COMMISSIONER REPP: I'll make a motion to
25 permanently exclude the Respondent.

1 VICE CHAIR BROWN: Thank you. Is
2 there a second?

3 COMMISSIONER DRAGO: Second.

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

6 (Chorus of ayes)

7 VICE CHAIR BROWN: 3.1 passes. 3.2
8 please.

9 MR. KLEIN: 3.2 is that FGCC
10 versus Ledier A. Vega. Case No. 2023-028678. In
11 this case, the Division filed an administrative
12 complaint alleging that on or about April 28th,
13 2023, the Respondent was ejected and permanently
14 excluded from Magic City Casino.

15 The Division attempted service by certified
16 mail on several occasions and hand service which
17 were unsuccessful. It then requested that the
18 notice be placed in the Sun Sentinel, which was
19 published on four consecutive weeks. Respondent
20 did not respond to the notice. He's therefore
21 subject to permanent exclusion from all pari-mutuel
22 and slot machine facilities in the state of Florida
23 pursuant to Sections 550.0251 subsection (6) and
24 551.112 of the Florida Statutes.

25 The Division therefore asks that the

1 Commission find that the Respondent was properly
2 served; that he failed to timely respond; that the
3 facts in the administrative complaint are accepted
4 as the facts in this case; and conclude that
5 Respondent be excluded from all pari-mutuel and
6 slot machine facilities in the state of Florida.

7 VICE CHAIR BROWN: Thank you,
8 Mr. Klein. And I just want to point out that
9 Investigator Darryl Straub really submitted a very,
10 very thorough investigative report also in the next
11 item, too, William Smith. So great group work
12 there.

13 Commissioners, if there are no questions, can
14 we get a motion?

15 COMMISSIONER DRAGO: Can you just --
16 just for the sake of reminder tell us what the
17 reason for the original exclusion was declined,
18 Mr. Klein?

19 VICE CHAIR BROWN: It's Commissioner
20 Drago.

21 MR. KLEIN: Yes, yes. It was
22 that he was observed by the compliance officers at
23 Magic City Casino for capping his bets during a
24 live poker game.

25 COMMISSIONER DRAGO: Thank you.

1 VICE CHAIR BROWN: Thank you. With
2 that, can we get a motion to approve the staff
3 recommendation?

4 COMMISSIONER DRAGO: So moved.

5 VICE CHAIR BROWN: Is there a
6 second?

7 COMMISSIONER D'AQUILA: Second.

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

10 (Chorus of ayes)

11 VICE CHAIR BROWN N: Motion passes
12 unanimously. 3.3, please.

13 MR. KLEIN.: Yes. 3.3 is FGCC
14 versus Zachary Lee Curgil. Case No. 2023-028906.
15 The Division 5 filed an administrative complaint
16 alleging that on or about May 3rd, 2023, the
17 Respondent was ejected and permanently excluded
18 from the Big Easy Casino.

19 The Division attempted service by certified
20 mail as well as hand delivery which were both
21 unsuccessful. And the Division then had notice of
22 the administrative complaint published in the Sun
23 Sentinel for at least four consecutive weeks,
24 requiring a response no later than March 21st,
25 2024.

1 Respondent failed to respond to the notice in
2 a timely manner. He's subject to permanent
3 exclusion from all pari-mutuel and slot machine
4 facilities in the state pursuant to 550.0251
5 subsection (6) and 551.112 of the Florida statues.

6 The Division would therefore ask that
7 Commission find the Respondent was properly served;
8 that he failed to respond in a timely manner; that
9 the allegations of facts set forth in the
10 administrative complaint are accepted as the facts
11 in this case; and conclude that Respondent be
12 excluded from all pari-mutuel and slot machine
13 facilities in the state of Florida.

14 VICE CHAIR BROWN: Thank you,
15 Mr. Klein.

16 Commissioners, any questions?

17 COMMISSIONER DRAGO: Just the same one
18 again, if I could? Could you just remind us what
19 the original offense was that caused the exclusion?

20 MR. KLEIN: Yes. It was that
21 they had -- that the -- pardon me. The Big Easy
22 surveillances staff had seen him switching cards
23 during a game of Omaha 5 which he then had admitted
24 to the poker dealer.

25 COMMISSIONER DRAGO: Okay. If you could

1 provide that when we do these, I would appreciate
2 it. And that way, we can move along quicker.

3 MR. KLEIN: Absolutely.

4 COMMISSIONER DRAGO: Thank you.

5 MR. KLEIN: Absolutely.

6 VICE CHAIR BROWN: Thank you,
7 Commissioner Drago.

8 With that, can we get a motion from you to
9 approve this staff recommendation?

10 COMMISSIONER DRAGO: So moved.

11 VICE CHAIR BROWN: Is there a
12 second?

13 COMMISSIONER REPP: Second.

14 VICE CHAIR BROWN: Any discussion?

15 Seeing none. All those in favor, say aye.

16 (Chorus of ayes)

17 VICE CHAIR BROWN: Item 3.3 passes,
18 and we are moving onto 3.4.

19 MR. KLEIN: 3.4 is FGCC versus
20 Alex -- I'm sorry -- versus Alexis Navarro. Case
21 Number 2023-032587. The Division filed an
22 administrative complaint seeking to suspend the
23 pari-mutuel wagering, professional, individual,
24 occupational license held by Mr. Navarro due to an
25 outstanding debt related to horse racing in the

1 state of Florida.

2 Service of the complaint was confirmed by the
3 Respondent who nonetheless did not return the
4 enclosed Election of Rights form, or otherwise
5 request any sort of hearing on this matter.

6 Therefore, the Division asks that the Commission
7 find that the Respondent was served with the
8 administrative complaint; that he did not respond
9 in a timely matter; that the facts in the
10 administrative complaint are accepted as the facts
11 in this case; and conclude that Respondent's
12 pari-mutuel wagering professional, individual,
13 occupational license is suspended until such time
14 as the Commission receives confirmation that his
15 financial obligation has been satisfied.

16 VICE CHAIR BROWN: Thank you,
17 Mr. Klein. And with this, if we go ahead and
18 approve the staff recommendation to suspend this
19 licensee, will we be notifying HISA of the
20 suspension even though it is a regulatory matter
21 not in the purview of HISA's safety and
22 medications?

23 MR. KLEIN: Are you saying will
24 we be notified of or will be?

25 VICE CHAIR BROWN: Will we notify

1 HISA of our suspension of his licensee?

2 MR. KLEIN: Yes, I believe so.

3 VICE CHAIR BROWN: Is that correct,
4 Mr. Dillmore?

5 MR. DILLMORE: Sorry. Yeah, we can
6 notify HISA of that, and they can do with it what
7 they will, even though it may not be in their
8 purview or the scope of their regulations.

9 VICE CHAIR BROWN: Thank you,
10 Mr. Dillmore.

11 Commissioners, any questions? Can I get a
12 motion to approve the staff recommendation?

13 COMMISSIONER D'AQUILA: I'll make the
14 motion to approve the staff recommendation.

15 VICE CHAIR BROWN: Is there a
16 second?

17 COMMISSIONER DRAGO: Second.

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

20 (Chorus of ayes)

21 VICE CHAIR BROWN: Thank you.

22 I just want to confirm, you can hear us
23 clearly? Thank you. Item 3.5.

24 MR. KLEIN: 3.5 is FGCC versus
25 Arabel Herrera Quesada. Case Number 2023-037871.

1 The Division filed an administrative complaint
2 alleging that on or about July 5th, 2023, the
3 Respondent was ejected and permanently excluded
4 from Casino Miami.

5 He had first, according to Casino Miami staff,
6 he had first been excluded from this facility in
7 August of 2014 for assaulting a patron and had then
8 been arrested and or removed from the facility on
9 numerous occasions for trespassing.

10 During the July 20th visit, he had claimed and
11 collected two of three slot jackpots which had been
12 won by another patron at Casino Miami, who was also
13 an individual previously excluded from this
14 facility. Staff indicated that after it was
15 determined that he did -- he was not the true
16 winner of the jackpot, he was then ejected. And
17 the surveillance report refers to this Respondent
18 as a, quote, "permanent exclusion return patron".

19 The Division attempted service by certified
20 mail as well as hand delivery which were both
21 unsuccessful, and the Division then had notice of
22 the administrative complaint published in the Sun
23 Sentinel for four consecutive weeks requiring a
24 response no later than March 21st, 2024.

25 Respondent failed to respond to the notice in

1 a timely manner, is subject to permanent exclusion
2 from all pari-mutuel and slot machine facilities in
3 the state pursuant to Sections 550.0251 subsection
4 (6) and 551.112 Florida statutes.

5 The Division would therefore ask that the
6 Commission find that the Respondent was properly
7 served; that he failed to respond in a timely
8 manner; that the allegations, facts set forth in
9 the administrative complaint are accepted as the
10 facts in this case; and conclude that Respondent be
11 excluded from all pari-mutuel and slot machine
12 facilities in the state of Florida.

13 VICE CHAIR BROWN: Thank you.
14 Commissioners, are there any questions on this
15 item?

16 COMMISSIONER DRAGO: No.

17 COMMISSIONER REPP: No.

18 VICE CHAIR BROWN: Can we please get
19 a motion to approve the permanent -- the final
20 order permanently excluding Mr. Herrera Quesada?

21 COMMISSIONER REPP: I'll make a motion to
22 enter a final order permanently excluding the
23 Respondent.

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

1 COMMISSIONER D'AQUILA: I'll make a
2 second.

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

5 (Chorus of ayes)

6 VICE CHAIR BROWN: Motion passes on
7 3.5. 3.6, please.

8 MR. KLEIN: 3.6 is FGCC versus
9 Raymond Thomas Hughes, Jr. Case No. 2023-043622.
10 The Division filed an administrative complaint
11 alleging that on or about July 29th, 2023,
12 Respondent was ejected from Calder Casino and that
13 he was permanently excluded from that facility on
14 or about August 1st, 2023.

15 The Division attempted to serve Respondent
16 with the complaint by certified mail on at least
17 three occasions, but was unsuccessful. The
18 Division had a notice of the administrative
19 complaint published in the Sun Sentinel for four
20 consecutive weeks.

21 Respondent failed to respond to the notice.
22 He's subject to permanent exclusion from all
23 pari-mutuel and slot machine facilities in the
24 state pursuant to Sections 550.0251 subsection (6)
25 and 551.112 of the Florida statutes.

1 This was due to the staff -- to the Calder
2 Casino staff's report that during a live poker
3 game, the Respondent was observed cheating by
4 adding an additional chip to the table after
5 looking at his cards so as to obtain a larger play
6 out on the winning -- or a larger gap liner payout,
7 pardon me, on the winning hand capping this bet.

8 The Division would therefore ask that the
9 Commission find that Respondent was properly
10 served; that he failed to respond in a timely
11 manner; that the allegations set forth in the
12 administrative complaint are accepted as the facts
13 in this case; and include that Respondent be
14 excluded from all pari-mutuel and slot machine
15 facilities in the state of Florida.

16 VICE CHAIR BROWN: Thank you. If
17 there are no questions, can we get a motion to
18 approve the staff recommendation?

19 COMMISSIONER DRAGO: So moved.

20 VICE CHAIR BROWN: Is there a
21 second?

22 COMMISSIONER D'AQUILA: Second.

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

25 (Chorus of ayes)

1 VICE CHAIR BROWN: Thank you. The
2 motion passes. We're now onto the final item under
3 3.7.

4 MR. KLEIN: Thank you. 3.7 is
5 FGCC versus Christian Santiago Reyes. Case Number
6 2023-048247. The Division filed a two count
7 administrative complaint alleging that the
8 Respondent was convicted of a felony offense and
9 failed to notify the Commission of his conviction
10 within 48 hours. The Division attempted to serve
11 the Respondent with the complaint by certified mail
12 on two occasions, and two attempts at hand delivery
13 were also unsuccessful.

14 The Division had a notice of the
15 administrative complaint published in the Business
16 Observer for four executive weeks. Respondent
17 failed to respond on or before April 5th, 2024, as
18 provided in the notice. He is subject to
19 suspension or revocation of his occupational
20 license pursuant to Sections 550.105 sub (5) (b) and
21 550.105 sub (10) (d) of the Florida statutes.

22 The Division requests that the Commission find
23 that the Respondent was properly served; that he
24 failed to respond in a timely manner; that the
25 allegations of facts set forth in the

1 administrative complaint are accepted as the facts
2 of this case; and conclude that Respondent's
3 pari-mutuel professional, individual, occupational
4 license will be revoked.

5 VICE CHAIR BROWN: Thank you.

6 Again, this is similar to the further question
7 with -- regarding his -- this is a jockey. The
8 licensee is a jockey. Are we going to let HISA
9 know that this licensee has been -- their license
10 has been revoked?

11 MR. DILLMORE: Yes.

12 VICE CHAIR BROWN: Thank you.

13 Commissioners, any questions?

14 COMMISSIONER REPP: No.

15 VICE CHAIR BROWN: Can we get a
16 motion to approve the staff recommendation?

17 COMMISSIONER REPP: Motion to approve
18 staff recommendation.

19 VICE CHAIR BROWN: Is there a
20 second?

21 COMMISSIONER D'AQUILA: I'll make a
22 second.

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

25 (Chorus of ayes)

1 VICE CHAIR BROWN: Motion passes.

2 Thank you, Mr. Klein.

3 We are onto discussion of license denials, 4.1
4 through 4.4.

5 MR. KLEIN: Thank you. 4.1 is
6 Michael J. Newnum. Case Number 2024-009404. The
7 Division received an application from Mr. Newnum on
8 November 17th, 2023, seeking a cardroom employee
9 occupational license. After review of the
10 application, it was discovered that on October
11 12th, 2018, this applicant was convicted of
12 receiving stolen property, a misdemeanor offense in
13 the state of Missouri, who failed to disclose this
14 conviction on his initial application.

15 The applicant applied for a waiver, which was
16 declined by the executive director. As such, the
17 Division's recommendation is that the Commission
18 authorize the issuance of a Notice of Intent to
19 Deny.

20 VICE CHAIR BROWN: Okay. Thank you.
21 Commissioners, are there any questions on this
22 item? I am sorry, I'm going in and out.

23 I will just note that his probation was
24 terminated early. These facts are unusual,
25 although I understand why our executive director

1 declined to issue the license after the review.

2 Can we get a motion to approve the staff
3 recommendation?

4 COMMISSIONER DRAGO: I'll make that
5 motion.

6 VICE CHAIR BROWN: Is there a
7 second?

8 COMMISSIONER REPP: Second.

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

11 (Chorus of ayes)

12 VICE CHAIR BROWN: Item 4.2,
13 Mr. Klein.

14 MR. KLEIN: Thank you. 4.2 is
15 Yosandris Roque De Escobar. Case Number
16 2024-010428. The Division received an application
17 from Mr. Escobar on February 15th, 2024, seeking a
18 slot machine cardroom pari-mutuel individual
19 combination occupational license.

20 After review of the application, it was
21 discovered that on or about November 29th, 2016,
22 the applicant was convicted of possession with
23 intent to distribute and distribution of marijuana,
24 a federal felony offense. The applicant did not
25 apply for a waiver from the statutory restrictions

1 excluding applicants with disqualifying offenses
2 from slot machine cardroom and pari-mutuel
3 licensure as this is not contemplated under Chapter
4 551.

5 As such, the Division would ask that the
6 Commission issue a Notice of Intent to Deny in this
7 case.

8 VICE CHAIR BROWN: Commissioner, I
9 are there questions on this item? This stems from
10 a 2015 -- I believe 2015?

11 COMMISSIONER D'AQUILA: '15.

12 VICE CHAIR BROWN: There's not a
13 great amount of detail in here other than the
14 criminal complaint.

15 MR. KLEIN: Yes, it was. And it
16 was a -- it was a federal conviction in Colorado.

17 VICE CHAIR BROWN: But he did not
18 serve any time?

19 MR. KLEIN: No, no. After he --
20 no, it looks like he was -- that he was released on
21 supervision.

22 VICE CHAIR BROWN: Okay. Yes.
23 Commissioner D'Aquila?

24 COMMISSIONER D'AQUILA: I've got a
25 question. What is the significance of the federal

1 conviction, or is there any?

2 MR. KLEIN: I'm not under the
3 impression that there is. It's a -- it is still a
4 disqualifying -- just still a disqualifying
5 offense, and it would prevent him under the statute
6 from getting any -- obtaining a license. But I'm
7 not sure that the fact that it was a federal case
8 makes any difference at all. There may be other --
9 I mean, there may be others as far as he's
10 concerned, as far as this individual is concerned.
11 But as far as the license is concerned, I don't see
12 out there any.

13 VICE CHAIR BROWN: And if we issue
14 an intent -- a Notice of Intent to Deny, can you
15 just remind us what the recourse would be for the
16 applicant?

17 MR. KLEIN: Sure. He would have
18 an opportunity to contest that and to request a
19 hearing on it.

20 VICE CHAIR BROWN: An informal
21 hearing?

22 MR. KLEIN: Yeah. I believe
23 it's -- I want to say 20 days after the letter goes
24 out.

25 VICE CHAIR BROWN: Okay. 21 days.

1 MR. KLEIN: 21. Yeah, that's
2 right.

3 VICE CHAIR BROWN: Okay. All right.
4 Commissioners, any questions? If not, can we get a
5 motion to approve the Notice of Intent to Deny?

6 COMMISSIONER DRAGO: So moved.

7 VICE CHAIR BROWN: Is there a
8 second?

9 COMMISSIONER D'AQUILA: I'll make a
10 second.

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

13 (Chorus of ayes)

14 VICE CHAIR BROWN: 4.2 passes. Onto
15 4.3.

16 MR. KLEIN: 4.3 --

17 VICE CHAIR BROWN: Which is pretty
18 clearcut.

19 MR. KLEIN: Is Michael May. Case
20 No. 2024-012011. The Division received an
21 application for Mr. May on February 23rd, 2023, for
22 slot machine and cardroom, pari-mutuel combination
23 occupational license.

24 After review of the application, it was
25 discovered that on or about December 7th, 1999, the

1 applicant was convicted in Broward County of
2 aggravated battery on a pregnant woman, his second
3 degree felony offense in the state of Florida.

4 The applicant didn't apply for a waiver as
5 that's not authorized under Chapter 551. The
6 Division would therefore ask the Commission to
7 issue a Notice of Intent to Deny in this case.

8 VICE CHAIR BROWN: Thank you.

9 Commissioners, can we get a motion for issuing a
10 Notice of Intent to Deny on this application?

11 COMMISSIONER DRAGO: So moved.

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

14 COMMISSIONER REPP: Second.

15 VICE CHAIR BROWN: Any discussion?

16 All those in favor, say aye.

17 (Chorus of ayes)

18 VICE CHAIR BROWN: The item passes.

19 And the last one is 4.4.

20 MR. KLEIN. ESQ.: Thank you. 4.4 is
21 Trista Hockman. Case No. 2024 -- pardon me --
22 2024-012247. The Division received an application
23 from Ms. Hockman on April 16th, 2024, for a slot
24 machine, cardroom pari-mutuel combination
25 occupational license.

1 After review of the application, it was
2 discovered that on or about March 9th, 2011, the
3 applicant was convicted of possession of a
4 controlled substance, a felony offense, in the
5 state of Indiana. She did not disclose this
6 conviction on her initial application.

7 The applicant did not apply for a waiver from
8 the statutory restrictions excluding applicants
9 with disqualifying offenses from slot machine,
10 cardroom, and pari-mutuel licensure as that is not
11 authorized under Chapter 551 in the Florida
12 statutes.

13 The Division would therefore ask the
14 Commission to issue a Notice of Intent to Deny in
15 this case.

16 VICE CHAIR BROWN: Thank you. And,
17 Mr. Klein, she's applying for food service. She's
18 a bartender, correct?

19 MR. KLEIN: She was applying
20 for -- I know that it was a combination.

21 VICE CHAIR BROWN: The occupational
22 license, but the actual occupation would be in food
23 service.

24 MR. JOSEPH KLEIN: Yes, at Harrah's.

25 VICE CHAIR BROWN: Harrah's.

1 MR. KLEIN: Harrah's. I always
2 call it Harrah's. Harrah's, yes.

3 VICE CHAIR BROWN: Commissioner
4 D'Aquila?

5 COMMISSIONER D'AQUILA: So again, if once
6 this is issued, she will have an opportunity to
7 reapply or to contest?

8 MR. KLEIN: She will have an
9 opportunity to request a hearing.

10 COMMISSIONER D'AQUILA: To request a
11 hearing for such. Okay. And this was the sole
12 offense that was discovered?

13 MR. KLEIN: It was the reason for
14 a recommendation to deny.

15 VICE CHAIR BROWN: Yes. So,
16 Commissioners, this is a 2010 case out of Indiana,
17 actually. And I really don't see the harm of the
18 crime. She has no other offenses. She could not
19 apply for a waiver because of the statutory
20 limitation on the slot license.

21 I don't see the harm in the industry of
22 approving this licensee at this point and delaying
23 from her moving forward. I think her -- she had
24 been on probation, she had probation only, and her
25 time is served. And I think that we have to

1 balance the opportunity to work in the state along
2 with our statutory requirements. So that's where
3 I'm at on this one.

4 Commissioners, anyone?

5 COMMISSIONER DRAGO: Can I?

6 VICE CHAIR BROWN: Yes.

7 COMMISSIONER DRAGO: Does she have a
8 temporary license now? She does, right? Yeah. Do
9 we know when she was issued that?

10 MR. KLEIN: I don't have it right
11 here as to when she was issued --

12 COMMISSIONER DRAGO: Which typically --
13 what -- is there a duration on that temporary
14 license? I mean, issued for a period of time or --

15 VICE CHAIR BROWN: Yes.

16 Mr. Marshman?

17 MR. MARSHMAN: Thank you. Good
18 morning.

19 VICE CHAIR BROWN: Good morning.

20 MR. MARSHMAN: A temporary
21 occupational license is issued if there are no
22 apparent deficiencies on the face of the
23 application. I believe there was one issued in
24 this case. By statute, a temporary occupational
25 license lasts for 90 days.

1 COMMISSIONER DRAGO: I see.

2 VICE CHAIR BROWN: Okay.

3 Commissioner Repp?

4 COMMISSIONER REPP: With this particular
5 license, is she -- although she's applying for a
6 bartender, if she was to take another position
7 somewhere else in the casino, that same license
8 apply for any job? Or would she have to get
9 another license to be a dealer or another license
10 to take another position?

11 MR. KLEIN: I apologize, I'm not
12 sure.

13 VICE CHAIR BROWN: Mr. Trombetta or
14 Dillmore?

15 MR. DILLMORE: I'm sorry. It's a
16 combination license, so she would be eligible for
17 basically anywhere in the facility once that
18 license is issued.

19 COMMISSIONER REPP: Thank you. While I
20 don't disagree, and I do agree with, you know,
21 allowing her to have the license, I still have
22 to -- I'd like to make a note that I just take
23 issue with her failure to disclose it on her
24 application.

25 As I'd said before, I see that just kind of as

1 a lack of candor. But I also see that she -- I
2 don't see her as a threat with her past disclosure
3 ultimately and then what she was charged with with
4 receiving this license.

5 VICE CHAIR BROWN: Commissioner
6 Drago?

7 COMMISSIONER DRAGO: Okay. I'm sorry.
8 And the time, I think, needs to be taken into
9 consideration as well. It was in 2010 that this
10 occurred and apparently has not had any other
11 trouble since that point.

12 And again, as Vice Chair Brown said, we have a
13 balance here in trying to protect the public, but
14 also help people -- or not stand in the way of
15 people that want to make a living. So I think this
16 is one of those cases where there's no indication
17 in her history that she would be a danger to the
18 public or to the facility. That's just how I feel.

19 VICE CHAIR BROWN: Commissioner
20 D'Aquila?

21 COMMISSIONER D'AQUILA: In our
22 investigation or gathering of information, is there
23 any way to discern how long she has been in the
24 state of Florida to follow up to Commissioner
25 Drago's point, that the data we retrieve in our

1 searches in Florida is probably superior than what
2 we're able to obtain in other states?

3 MR. KLEIN: How long she has
4 resided --

5 COMMISSIONER D'AQUILA: How long has she
6 been in the state of Florida?

7 MR. KLEIN: I did not -- I don't
8 know if it's possible to discern. I did not see it
9 in this -- in this report.

10 VICE CHAIR BROWN: I did not either.

11 COMMISSIONER D'AQUILA: I didn't see it.

12 VICE CHAIR BROWN: Mr. Marshman?

13 MR. MARSHMAN: I'd just like to
14 note that she does have a state address in
15 Plantation, Florida, so she does have a current
16 residence in the state. But beyond that, I don't
17 see a driver's license or anything. I just see a
18 passport that we copied in part of the materials,
19 but I don't think we have any other information
20 about how long she's been residing in the state
21 other than those two sources of information.

22 COMMISSIONER D'AQUILA: Yeah. I posed
23 the question to further support observation of
24 Commissioner Drago and as far as our state only,
25 you know, and so forth. But I understand. Thank

1 you.

2 VICE CHAIR BROWN: And in our
3 research, we do a thorough database, right? It's
4 not just with -- obviously, we discovered this in
5 Indiana. So we look at the state of Florida as
6 well as all other states, correct?

7 MR. KLEIN: Correct.

8 VICE CHAIR BROWN: Commissioners, if
9 the time is right and we're done with discussion on
10 this item, can we get a motion to approve this
11 licensee?

12 COMMISSIONER DRAGO: So moved.

13 VICE CHAIR BROWN: Is there a
14 second?

15 COMMISSIONER REPP: Second.

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

18 (Chorus of ayes)

19 VICE CHAIR BROWN: She is granted a
20 license. Thank you.

21 We are going to move into discussion of
22 rulemaking. Good morning, gentlemen.

23 MR. TROMBETTA: Good morning,
24 Commissioners. I'm actually going to turn this
25 portion over to Ross, and I will be back for the

1 executive director update.

2 VICE CHAIR BROWN: Great.

3 Mr. Marshman.

4 MR. MARSHMAN: Good morning, again.

5 Commission staff is seeking the Commission
6 authorization to initiate rulemaking in connection
7 to Rule 75-5.003 titled Exemptions From
8 Fingerprinting.

9 Long story short, this rule has not kept up to
10 changes in the laws. Specifically subparagraph 1
11 still is written as if the Commission issues a
12 yearly license, annual occupational license that
13 lasts for one year. However, statutes have changed
14 or licenses being issued now typically are three
15 years for an occupational license.

16 So with your authorization, staff would again,
17 rulemaking process, to update this rule and make it
18 congruent with existing statutes as they're
19 currently written.

20 VICE CHAIR BROWN: Certainly.

21 Commissioners, makes sense?

22 COMMISSIONER D'AQUILA: Makes sense.

23 COMMISSIONER DRAGO: Makes sense.

24 VICE CHAIR BROWN: If there's no
25 discussion, can we get a motion to authorize that

1 to go ahead and conduct rulemaking and proposed
2 rule to development? Great.

3 MR. MARSHMAN: At this stage, it
4 would be notice of development and then we'll try
5 to move as quickly as we can to proposed rule.
6 This is not --

7 VICE CHAIR BROWN: Okay.

8 COMMISSIONER D'AQUILA: I'd like to make
9 a motion to move forward with the notice of
10 development.

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

13 COMMISSIONER REPP: Second.

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

16 (Chorus of ayes)

17 VICE CHAIR BROWN: Thank you. Thank
18 you for bringing this to our attention.

19 All right. Mr. Trombetta.

20 MR. TROMBETTA: Thank you. I have
21 several updates. And I would just like to begin
22 kind of by just recognizing that this is our second
23 meeting here in South Florida. We had one about a
24 year ago. And I'm just looking at the tablecloth,
25 something silly like that, but it -- we are growing

1 and evolving, so it's nice to see.

2 I'd also like to take a minute just to
3 recognize, yesterday we met with staff in our
4 office here in South Florida. It's always nice to
5 kind of get faces and see, you know, some of the
6 staff that don't get to attend these meetings.

7 A lot of them are in the audience. So really
8 I just want to thank all the work you guys have
9 been doing. I know the Commissioner is talking
10 about it. I don't want to speak for you but, you
11 know, everybody's very happy with the team we have
12 and everything that's been going on. So it's nice
13 to see you and thank you for hosting us.

14 COMMISSIONER DRAGO: Can I just make a
15 request? I don't mean to interrupt you.

16 VICE CHAIR BROWN: Commissioner
17 Drago.

18 COMMISSIONER DRAGO: Could we have the
19 employees that are in the office down here stand up
20 so we could --

21 VICE CHAIR BROWN: That's a great
22 idea. Thank you. Thank you. Thank you all for
23 everything that you're doing for us and for the
24 community and the stakeholders.

25 (Applause)

1 VICE CHAIR BROWN: Thank you.

2 COMMISSIONER DRAGO: Thank you.

3 VICE CHAIR BROWN: Oh, yes.

4 Commissioner D'Aquila, sorry.

5 COMMISSIONER D'AQUILA: I'm just going to
6 comment, as we near our two-year anniversary as a
7 commission, for those of you that are new to the
8 meeting or to the public, the speed with which
9 we're able to make decisions on these cases is
10 noticeably increased as a result of the hard work
11 of the people that just stood up and also for our
12 -- equivalent in the Tallahassee office.

13 As a person who reads the -- every page of
14 these every month, just the sheer quality and
15 completeness is noticeable and greatly appreciated.
16 And I think the citizens of the state of Florida
17 feel the same way. Thank you.

18 VICE CHAIR BROWN: Agreed.

19 COMMISSIONER D'AQUILA: For all you do.

20 VICE CHAIR BROWN: Thank you.

21 All right. Mr. Trombetta, thank you for that.

22 MR. TROMBETTA: Sure. Moving on.

23 So on Friday, the Governor signed what was Senate
24 Bill 804 involving gaming licenses and permits.
25 This was the Commission's regulatory bill. So this

1 was a -- the bill here, the intent was to try to
2 make some changes that impact, you know, the --
3 both the industry and staff. They're all focused
4 on the regulatory side.

5 Just kind of highlights. So our bill provides
6 authority for the Commission to deny licenses in
7 which the applicants have falsely sworn on the
8 application. As our prior entity and DBPR, there
9 was a statute that specifically gave the then
10 division of pari-mutuel wagering the ability to do
11 that. When we moved out of DBPR, we lost that
12 authority, but now we have it back which is a good
13 thing.

14 We've been authorized to serve administrative
15 complaints through e-mail. So this -- the origin
16 here is that it's helpful for -- as you just heard,
17 a lot of the cases we are still publicly noticing
18 them in newspapers, having specific authority to
19 serve.

20 It's particularly -- this is going to be
21 useful in the horse racing industry where people
22 move around a lot, which is hard to get service on
23 many of those people because they don't -- we don't
24 really have the addresses that they list all the
25 time. Having e-mails can help there.

1 We've adjusted the licensing window. So this
2 is the operating license application window, which
3 always falls around the holidays. So this one is
4 one that we thought it will benefit kind of
5 everybody involved so that the people submitting
6 the operating license aren't crunched for
7 Christmas, New Year's. And from the receiving
8 side, our team, the same thing, has a little bit
9 more time to deal with that.

10 We have kind of addressed some of the issues
11 in amending performances. That came up in some of
12 our cases that we've already handled. So
13 particularly when it comes to Jai Alai. Jai Alai
14 permit holders are now able to amend the license --
15 their licenses in the same way horse racing permit
16 holders are.

17 We added reciprocity with HISA essentially.
18 So when HISA and HIWU was created, the reciprocity
19 section in Florida law that allows the Commission
20 to take action against people's licenses if
21 they've, you know, been suspended in other states
22 was specific to other state race and jurisdiction,
23 I believe is the language.

24 We've added language that addresses
25 essentially HISA. So if somebody that's a covered

1 person has been registered with HISA and has the
2 type of action taken against them by HISA or HIWU,
3 we can then take action against the license here in
4 Florida.

5 Established consistent time periods for annual
6 financial reports. So this, too, is that there's,
7 depending on the permit holder, there's a number of
8 financial reports that are submitted to us with
9 different dates based on the fiscal year. We've
10 tried to make that consistent. And that's going to
11 help them, hopefully, and help us.

12 And then finally, we've addressed the waiver
13 issue. That also came up in a case today, in that
14 applicants for pari-mutuel wagering licenses were
15 able to take advantage of a waiver provision so
16 that it could waive -- it could seek the waiver
17 from the Commission to waive disqualifying
18 offenses.

19 We've added similar language now to slot
20 applicants, so that people that may have old
21 criminal history that the Commission feels
22 compelled to waive that disqualifying offense, we
23 can now take advantage of that to Commissioner
24 Drago, to your point, to maybe help -- help people
25 get back to work that qualify.

1 The -- Joe's team is working on a document
2 that we intend to distribute to the license
3 industry kind of highlighting what I just discussed
4 and just kind of focusing on anything. Also if
5 there's anything new that has to done on their
6 side, we just want to make sure that everybody is
7 on the same page, and they're aware that this bill
8 has been signed. Again, it happened Friday, so
9 it's still very, very fresh.

10 VICE CHAIR BROWN: This is great
11 news. And I'm thinking for the summary, too, I
12 mean, just a huge -- coming from DBPR, to get all
13 of these great changes for the industry, it would
14 have been a major haul to be a part of the
15 Department of Business and Professional Regulation
16 having our own entity, and getting this through is
17 just going to be tremendous.

18 And I'm looking forward to seeing what we do
19 next session too to modernize our statutes. So
20 thank you. Thank you, Mr. Mahler, too for
21 everything that you've done.

22 MR. TROMBETTA: Moving on.
23 Additionally, we have formally put out a request
24 for proposals as it relates to the problem gambling
25 contract. So under statute, the Commission now has

1 to have a contract with a vendor to provide problem
2 gambling services as it provided in that section.

3 We have a current vendor and we're just -- we
4 are soliciting new proposals. That's out now. We
5 hope to get everything done before the start of the
6 next fiscal year but, you know, it's a formal
7 procurement, so early on, but it is now noticed at
8 this point.

9 VICE CHAIR BROWN: How long does the
10 procurement period last? And is it a national
11 procurement? What we do in our QRP, is it posted
12 nationally for folks?

13 MR. TROMBETTA: Director of Admin,
14 Lisa Mustain, was very nice and sent me a good text
15 about 10 minutes ago with a timeline.

16 Lisa, do you mind jumping in? Great.

17 VICE CHAIR BROWN: Thank you.

18 MS. MUSTAIN: Good morning.

19 VICE CHAIR BROWN: Good morning.

20 MS. MUSTAIN: Is this on? Good morning.

21 Yes. It goes to the vendor bid system with
22 Department of Management Services and is posted
23 throughout. But we plan to also post it in perhaps
24 some newspapers at least throughout Florida to get
25 some more interest on it.

1 They bid up -- the bid response day is May
2 28th, so they have to have a reply to us by May
3 28th.

4 VICE CHAIR BROWN: Okay. And if we
5 don't get any responses or do we have leeway? I
6 know Mr. Trombetta said by July 1st of the fiscal
7 year. Do we have leeway to repost?

8 MS. MUSTAIN: Repost?

9 VICE CHAIR BROWN: We just --

10 MR. TROMBETTA: We do. We can
11 rebid it. We also have a current contract with
12 them, but yes. And if that comes, we will have a
13 whole bunch of decisions for you all, too.

14 VICE CHAIR BROWN: Commissioner
15 D'Aquila?

16 COMMISSIONER D'AQUILA: Considering
17 probably the relatively small number of
18 organizations that provide these services, is it
19 commonplace to go outbound and reach them directly
20 with an encouragement to apply or is that not
21 acceptable? A general question.

22 VICE CHAIR BROWN: Lisa?

23 MR. TROMBETTA: Yeah, I am going
24 to turn it back to Lisa on just general do's and
25 don'ts. Yeah, that's a good way to say it.

1 MS. MUSTAIN: Yes. Procedure is though
2 that we solicit the information so that they can
3 receive the application so that everybody gets the
4 same information, the same solicitation so they --
5 everybody's on the same sheet of music in order to
6 respond to our request.

7 So if you -- if people are interested in it,
8 they contact our office, and we provide them the
9 link that's in My Florida Marketplace in the vendor
10 bid system so that they can peruse it and,
11 hopefully, respond to it.

12 VICE CHAIR BROWN: Is it something
13 that we can post on our website -- on the homepage
14 of the website? Kind of a --

15 MS. MUSTAIN: Yes, we can.

16 VICE CHAIR BROWN: Commissioners,
17 any questions, comments?

18 All right. Back to you.

19 MR. TROMBETTA: All right. And
20 then I have essentially two more things on my list.
21 The first one is just dates for the, you know, as
22 usual, for the next few meetings for -- in my
23 notes, I have June 6th as what we are aiming for.
24 That's, I think, in Tallahassee. July 11th. It's
25 in -- August 8th are the dates that I have on my

1 notes, just to confirm, and that's if we wanted to
2 go into September.

3 VICE CHAIR BROWN: Do we want to go
4 into September? Commissioners?

5 COMMISSIONER D'AQUILA: It's not a bad
6 idea.

7 VICE CHAIR BROWN: All right. What
8 would you propose, September 12th? Or are there
9 other deadlines?

10 COMMISSIONER REPP: The first Thursday or
11 the second Thursday is fine with me.

12 VICE CHAIR BROWN: Same. September
13 5th sound good? Okay. I think we are good.

14 MR. TROMBETTA: Okay. So it's
15 September 5th?

16 VICE CHAIR BROWN: September 5th.

17 MR. TROMBETTA: Again, we can
18 change it but this helps us at least get there.

19 And then my last update, both -- well, it's
20 not really an update, but just with the agenda. We
21 had -- we weren't sure how much -- how long this
22 meeting was going to take. I think we sort of have
23 a better idea. So we've listed a lunch break after
24 Item 9.

25 We do plan, you know, to have a closed

1 attorney-client session. Just thinking now, you
2 know, maybe if you want to have cashless -- I'm
3 just looking at who's in the audience. I think
4 most of the audience is interested in what we're
5 going to talk about for cashless. If you want to
6 move that ahead of the attorney-client session.

7 VICE CHAIR BROWN: That sounds
8 great.

9 MR. TROMBETTA: It might --

10 COMMISSIONER D'AQUILA: I think that's a
11 good idea.

12 VICE CHAIR BROWN: Yeah. Great
13 suggestion. So what we're going to do is we're
14 going to take up public comment first as it does
15 not relate to cashless.

16 So I only have one speaker card on just
17 general public comment, and it is Mr. Patrick
18 Bland, but you're not limited to just that. And if
19 you want to come up, Mr. Bland, to the podium, that
20 would be great if you want to. And welcome.

21 MR. PATRICK BLAND: Hello.

22 VICE CHAIR BROWN: Hello.

23 MR. PATRICK BLAND: Patrick Bland, Chief
24 Technology Officer at Acres. Long-time listener,
25 first-time caller.

1 So I just wanted to say thank you to everybody
2 at the Florida Gaming Commission, especially Bill
3 and Dennis' team. So we are bringing -- well,
4 first of all, we're a new vendor to Florida, and we
5 just brought our new slot system to the industry at
6 Magic City Casino. So just wanted to say thank you
7 to everybody that's helped us. You guys have been
8 amazing, and we look forward to more innovation
9 with you guys.

10 VICE CHAIR BROWN: That's wonderful.
11 Thank you.

12 MR. PATRICK BLAND: That's it. Thank you.

13 VICE CHAIR BROWN: Appreciate you
14 coming up.

15 If there's anyone else in the audience that
16 would like to come up as it does not relate to
17 cashless wagering, now is the time.

18 Okay. Thank you. We are now moving into our
19 cashless wagering discussion. Mr. Trombetta, do
20 you want to just open -- kind of give an overview
21 of where we are postured at before we open up to
22 public comment?

23 MR. TROMBETTA: Absolutely. Thank
24 you.

25 Well, I think first just procedurally, so this

1 is an item on the Commission agenda. It's not a
2 workshop or hearing as defined in 120. We have put
3 this on the agenda because, essentially, we are at
4 the point -- I'll give a little bit of background,
5 but staff is seeking essentially authorization and
6 a little bit of direction from the Commission so
7 that we can begin drafting a rule.

8 We are in a position -- again, this is
9 probably the most complicated rules that we've done
10 now as a commission. We want to make sure that
11 staff is growing the same direction as the
12 Commission on some of the big league drivers.

13 So the -- let me kind of now go back to the
14 background. So on September 6th, 2023, the Agency
15 issued a notice of rural development. About three
16 weeks later on September 21st, we held our first
17 workshop.

18 The workshop was down here in South Florida.
19 We invited industry members to come in and provide
20 initial feedback about cashless. At that point in
21 the workshop, we just said, hey, we're going to go
22 down this road. We're interested in hearing what
23 you guys think and what you're seeking in your
24 desire to have cashless wagering.

25 We took all that feedback, the record closed,

1 and we reviewed everything. And internally, we --
2 you know, we met and talked and said, okay, let's
3 have another workshop. Now we can solicit specific
4 questions to the industry and try to get some
5 feedback.

6 So we did that. That workshop happened
7 January 25th of this year. The Agency put together
8 questions ahead of time. You know, what type of
9 cashless wagering product is allowed? How do we
10 deal with the geolocation issues? How do we deal
11 with these specific sections in the statute? Got
12 feedback. That record has now closed. And this is
13 all happening during the rule development stage of
14 rulemaking.

15 We are trying to move forward to the next
16 stage, which is decision -- proposal rulemaking.
17 To do that, we need to start putting pen to paper,
18 essentially. So we, at this point, have a decent
19 idea of what the industry is seeking. We have had
20 several individual one-on-one meetings with
21 commissioners just about giving updates and things
22 like that.

23 What we're seeking today, as I mentioned, is
24 essentially the authorization to continue to move
25 forward and to start drafting rule. What I'm going

1 to encourage staff to do after today is,
2 essentially, to take your feedback and the
3 questions I'm about to ask you, and then start
4 putting rule together.

5 Big picture-wise, we -- this is the start,
6 right? We plan -- once we have some type of draft
7 together, we will likely provide it to you, provide
8 it to the industry. We will continue to, you know,
9 do everything we're required to do under 120.
10 We'll probably have a hearing, a formal hearing
11 where we can get feedback. But at this point, we
12 just need to get started with language.

13 So at this point, what I'm going to ask is
14 essentially big picture items. I prefer that we
15 don't get into specifics about technical
16 requirements. I think that's all going to come.
17 But right now, really to get started, we need to
18 know just essentially -- so staff is prepared.

19 I think the recommendation of staff is that
20 Florida law contemplates some type of cashless
21 wagering. And, you know, in 521.121 sub (6), it
22 says that slot machines shall accept electronic
23 maintenance systems. There's other references for
24 electronic payment systems in the statute. So I
25 just want, essentially, do you agree with that

1 staff recommendation that passes wagering is
2 contemplated by statute?

3 VICE CHAIR BROWN: Okay. Would you
4 like us to answer that? Or would you like --

5 MR. TROMBETTA: Yes. And staff is
6 available to answer any questions you may have.
7 How's that? But yes, if you give me -- if you give
8 me a no on this, everybody has room to lean, but we
9 may end up in a different spot after that.

10 So, you know, if you give me a yes, we can
11 then -- you know, it's the first question we need.

12 VICE CHAIR BROWN: Firstly, yes. I
13 mean, I completely agree with staff and see if --
14 clearly, I think it's very clear to me and the
15 staff and the statute that it is contemplated as
16 technology. But, Commissioners, thoughts? Any?

17 COMMISSIONER DRAGO: I mean, yeah, I
18 agree. After discussions with our attorneys and so
19 forth and reading it and thinking it over myself,
20 of course, I certainly do agree with their
21 recommendation and their advice on this, that it
22 is, in fact, legal to go ahead and look into this.
23 Yes.

24 VICE CHAIR BROWN: Commissioner
25 Repp?

1 COMMISSIONER REPP: I will also agree
2 that it's both contemplated and allowed under
3 statute.

4 VICE CHAIR BROWN: D'Aquila,
5 Commissioner?

6 COMMISSIONER D'AQUILA: I agree.
7 Contemplated and allowed.

8 VICE CHAIR BROWN: Unanimous.

9 MR. TROMBETTA: Excellent. Okay.

10 Next question is a little bit more complicated
11 and may take a little more time. So the question
12 comes out to funding. And this is one that we --
13 you know, we specifically asked the industry: How
14 do you take into account these references and
15 statute about limitations on funding?

16 Right now, the way 521 works is there are
17 several limitations on funding sources and funding
18 methods for slot machine gaming. Some of them are
19 specific so they -- they're mostly contained in
20 551.121 and 551.102, but just, you know, for
21 example, 551.102 says a slot machine can be funded
22 with an electronic payment system but not a credit
23 or debit card.

24 My understanding and my -- what we've heard
25 from other people, too, is we're trying to grapple

1 with what that means, essentially. So first kind
2 of sub question here is: Can funding be done
3 through a credit card or debit card if it isn't
4 directly with the slot machine?

5 So in other words, think of a gas pump. You
6 walk up to a gas pump, you can insert your credit
7 card. I think there's an interpretation that
8 that's kind of what that's going at. Or can you,
9 you know, download the Shell app and, you know,
10 fund your account with your credit card and then
11 pay for your gas?

12 Because that's essentially the model that a
13 lot of facilities are using with cashless. It's
14 one of the models that I think is sought here by
15 the industry, would be one using some type of app
16 or some type of player card that can be funded with
17 some type of source, and that's what we're trying
18 to figure out.

19 If you want rules -- and then kind of big
20 picture, too -- limit, specifically limit or
21 specifically allow the types of funding sources, it
22 would be another thing that would be helpful. So
23 in other words, when drafting rule, we have to
24 figure out if we want to specify -- you know, think
25 of it like the following sources are allowable

1 funding methods: A, B, C, D, E, F, G. But then we
2 have to list all of them. Or we can do it in
3 inverse where we kind of say, the following funding
4 sources are prohibited, and be silent on what is
5 allowed, which is kind of just a -- you know,
6 that's really going to be the helpful part for us
7 as we go into these rules.

8 And I'm just -- sorry, for the record, I
9 don't -- you don't have to specify every single
10 type of -- I'm not asking you to give me your list
11 of sourcing methods right now that are allowed and
12 that are not allowed. I think the second part
13 about how you would like the rule drafted, if you
14 want us to dig into these specific methods are or
15 these specific methods are not, I think would
16 probably be more helpful at this point.

17 VICE CHAIR BROWN: Commissioner
18 D'Aquila?

19 COMMISSIONER D'AQUILA: My recommendation
20 would be to approach it from all methods that --
21 looking at the industry, both domestically and
22 internationally, looking at the growing increase of
23 users, clients, customers that are going, playing
24 our games; looking at e-commerce in general, how
25 it's evolved, I think your approach should

1 contemplate the utilization of both credit cards,
2 debit cards, payment product, you know, whether it
3 be PayPals, the Venmos.

4 The one caution I would put out there is the
5 anonymity issues with regard to cryptocurrencies as
6 that develops might present some complexity. But I
7 think at this stage, you have to be realistic with
8 what the player and what other states and other
9 countries are doing.

10 So I don't -- I read that statute and I think
11 there was -- I think it was written quite some time
12 ago, and it was -- they give -- my interpretation
13 of it, and it's just a layman's interpretation, is
14 simply that it's, at least this -- you know, can I
15 hand my credit card to the first method at the
16 table or whatever? But I would say go -- think of
17 -- at this stage, picking go for all.

18 VICE CHAIR BROWN: And Commissioner
19 D'Aquila, I agree. I think cashless is the future
20 with every industry, and gaming has been slow to
21 adapt. At least the regulated marketplace has been
22 slow. Regulators have traditionally been slower
23 than commercial operators, tribal facilities. But
24 we definitely don't want to get crossed with what
25 the statute contemplates directly.

1 So of course, you know, I know location is
2 going to be an issue. ATM machines have to be off
3 the floor. You know, if somebody's going to
4 train -- and that's to protect the integrity but
5 the patron, too. We need patron -- customer
6 protections is critical as we mesh the -- embrace
7 and implement the technology.

8 Commissioners, I don't know if we want to take
9 a pause real quick briefly because these are the
10 more critical issues that may be helpful to hear
11 from the folks in the audience if they wanted to
12 come up, just to pause on Mr. Trombetta's opening
13 unless you have any comments before we --

14 COMMISSIONER DRAGO: I just have one
15 question.

16 VICE CHAIR BROWN: Commissioner
17 Drago?

18 COMMISSIONER DRAGO: Is that all you
19 have to say, or are you -- or do you want us to --
20 are we looking at other things that you need
21 answers to before people come up and give their
22 opinions on it? I think I'd like to hear that
23 first.

24 VICE CHAIR BROWN: Yeah.

25 MR. TROMBETTA: Yeah.

1 Essentially, as Commissioner Brown just hinted, the
2 next question really is the location problem, is
3 that we have a section in the statute that, as you
4 referred to, ATM. So the problem is that it says
5 ATMS or other similar devices that can, I think,
6 dispense credit or cash or that's been designed to
7 dispense credit or cash.

8 Trying to figure out, you know, if you have an
9 app, and you can load the app with a credit card,
10 is that one of these other devices that's
11 contemplated by that statute that you have to be --
12 that the licensee will be prohibited from allowing
13 to have it on the slot gaming floor?

14 So the location is really the third part of
15 this, is the legal funding sources and how you'd
16 like the rule to address the methods of funding,
17 and then also the geolocation issue.

18 VICE CHAIR BROWN: Um-hmm.

19 MR. TROMBETTA: And so the
20 reference to -- sorry, just -- 551.121 sub 2, 3 and
21 4 all provide limitations on funding sources,
22 essentially, whether it's a check or loans. And
23 it -- you know, generally it says that they can't
24 be done on the slot gaming floor.

25 Specifically, subsection 3 says an ATM or

1 similar device designed to dispense cash or credit
2 cannot be located on that slot gaming floor,
3 essentially. So yeah, that would be the last one,
4 Commissioner Drago, that we would be kind of --
5 we're trying to figure out exactly how to do that.

6 I think staff's recommendation is that we do
7 address it by saying that if you have a cashless
8 wagering system, you need to ensure that -- you can
9 kind of take language directly from the statute --
10 that it cannot dispense cash or credit on the
11 gaming floor.

12 VICE CHAIR BROWN: Commissioner
13 D'Aquila and then Commissioner Repp?

14 COMMISSIONER REPP: No, I was just going
15 to agree that -- get into the location there. I
16 think when I'm seeing from the statute is just the
17 inability to sit at a slot machine and swipe your
18 credit card. I think once we take these things off
19 the floor, we can open up the payment to whatever
20 these companies are willing to take and monitor
21 under the laws put forth and the requirements that
22 they have federally to monitor that money in the
23 gaming and the funding sources that originate off
24 the gaming floor.

25 VICE CHAIR BROWN: Commissioner

1 D'Aquila?

2 COMMISSIONER D'AQUILA: I just want to
3 add to my earlier comment that I think everybody
4 that is working on our staff, especially the legal
5 team, if they don't already have a thorough
6 knowledge of working on these rules, the Federal
7 Bank Secrecy Act, the Auto [sic] Money Laundering
8 Standards Act as well as the understanding with
9 regard to upcoming mobile wallets, the money
10 transmitter license rules as stipulated by the
11 FDIC. I think having a thorough understanding of
12 those as you work on this should be kept in mind
13 because all those issues are going to come to floor
14 as we get further down the road.

15 VICE CHAIR BROWN: Mr. Marshman?

16 MR. MARSHMAN.: Just as follow-up to
17 Commissioner D'Aquila's point just there. Your
18 point is well met. We have been reviewing those
19 sources. I think from staff's perspective, though,
20 we're not keen on rewriting all of those, and
21 incorporating them into Florida rule. I don't
22 think that's necessary.

23 The operators will be subject to them whether
24 it's in our Florida rules or not. So as long as
25 the Commission is okay with that general concept,

1 we are going to be aware of those. The industry
2 itself has identified the -- those same acts.
3 They've identified more. They've identified
4 standards. We're not going to be reproducing
5 those.

6 COMMISSIONER D'AQUILA: Right.

7 MR. MARSHMAN: Okay. Just making
8 sure that was what the Commission was anticipating
9 when they see draft language in the near future.

10 COMMISSIONER DRAGO: I agree completely.
11 And very good point, Mr. Marshman.

12 VICE CHAIR BROWN: And I just wanted
13 to -- there's two points that we -- that I
14 personally care about and that's having -- making
15 sure that these cashless system operators, these
16 third-party vendors, facility-based monitoring
17 system, bank, whatever, will be licensed as well by
18 the Gaming Commission, so that we have integrity.
19 We are accurately making sure annually that the
20 company or operations are legitimate and pass our
21 measures. That's the first one.

22 MR. TROMBETTA: Sure. We can make
23 sure that happens.

24 VICE CHAIR BROWN: The second one is
25 that we must have player-led controls to enable,

1 like, good self-management. I know Pennsylvania
2 looked at that, implemented that players -- just so
3 that players have their own spending limits and
4 withdrawal limits that they're able to have that,
5 and I think that we have to put that in rule as
6 well as we contemplate this technology.

7 MR. TROMBETTA: Thank you.

8 VICE CHAIR BROWN: Commissioner
9 D'Aquila?

10 COMMISSIONER D'AQUILA: This is early,
11 but I think on our own staffing for you, Executive
12 Director Trombetta, in the future are -- there will
13 be an increasing demand for those with analytics,
14 computer security skills both on our side, and of
15 course, already on the side of our stakeholders.
16 So I think it's never too early to start thinking
17 about that budgeting because the compliance that
18 will be necessary in looking at these electronic
19 transactions, whether it be unusual activity
20 sources, et cetera, this will be an increasing an
21 area of focus. So tell your children to get
22 computer science degrees. Okay.

23 VICE CHAIR BROWN: Commissioner
24 Repp?

25 COMMISSIONER REPP: Yeah. I just -- and

1 related to that, I just -- my thought on this is
2 that the Commission is not going to take a whole
3 lot of responsibility for overseeing it.

4 As I said, I believe there's enough federal
5 rules, regulations and requirements in place that
6 the companies themselves are going to be
7 responsible for making sure that their systems are
8 secure and meet those requirements as opposed to
9 taking any additional rules on that are -- I think
10 are unnecessary by the Commission.

11 VICE CHAIR BROWN: I agree.
12 Absolutely.

13 Commissioners, any further comments before we
14 open it up to the public? All right. We don't
15 have any speaker cards on this.

16 Mr. Trombetta, would you like to --

17 MR. TROMBETTA: No, no.

18 VICE CHAIR BROWN: We'll come back,
19 we'll come back.

20 MR. TROMBETTA.: Yeah, we can come
21 back to that.

22 VICE CHAIR BROWN: We'll come back.

23 Okay. If there's anybody from the public that
24 would like to address us on this, please feel free
25 to come up. You have three minutes each.

1 All right. So that concludes our public
2 comment portion. So we're back here.

3 MR. TROMBETTA, ESQ.: So, I guess, can I
4 just circle back to the -- my question about how
5 you would like the rule drafted on this methods of
6 funding? Do you want us to try to focus on like an
7 allowable list?

8 Or it sounded like Commissioner D'Aquila, just
9 to circle back kind of on your comment was, it
10 almost -- you know, to take in -- take account for
11 everything, sort of what you said, I think -- and
12 I'm not trying to restate to you. You know,
13 correct it afterwards. But, you know, again, we
14 have to pick a direction on how we draft this
15 thing. Do we list everything that is allowed? Or
16 do we kind of go with it the other way and say
17 these things are not allowed?

18 VICE CHAIR BROWN: Commissioner Repp
19 has a question and then Commissioner Drago.

20 COMMISSIONER REPP: And that, I'm
21 wondering, can we just do it from the angle where
22 the vendor whose providing the service, whatever
23 methods they can handle, control, regulate and meet
24 under federal law, they can use. If they're not
25 capable of handling crypto, if they can't meet the

1 requirements, then that -- then they just don't
2 take it.

3 But if they're -- if they believe they're
4 going to meet the requirements, and if they can
5 handle this -- the particular payment methods, I
6 don't see why we should be barring a payment,
7 especially since things will be changing. Things
8 especially in -- and various payment methods are
9 changing all the time and just so quickly that I
10 don't want to keep us from accepting a payment
11 that's out there, especially since it's not our job
12 as the Gaming Control Commission to regulate those
13 particular federal rules and have the fundings
14 handled.

15 VICE CHAIR BROWN: Commissioner
16 Drago and then Commissioner D'Aquila.

17 COMMISSIONER DRAGO: Yeah. I think -- I
18 think maybe I'm taking a little bit different road
19 on that. I believe that as we structure this, we
20 need to be careful what direction we're going in
21 and what we're approving in terms of this rule and
22 in terms of the sources.

23 My concern is there are so many sources and
24 there are some many different ways that they can
25 go, that they can keep changing and they can keep

1 introducing new things that may be difficult for us
2 to monitor for whatever reason, whatever problem we
3 may have with it and then have no control over what
4 kind of a source they want.

5 And that -- my personal interpretation of the
6 statute with this is the legislature is attempting
7 to be somewhat careful about funding. The
8 restrictions that they placed from the very
9 beginning in terms of ATMs and credit cards and so
10 forth that I tend to agree with the fact that some
11 of these things have to be closely monitored in the
12 beginning. And then if it turns out that new
13 funding sources become available, we can easily add
14 those as we are doing -- as we do with other things
15 in terms of the rule.

16 So my first feelings about it is to err on the
17 side of more of restriction with some of these in
18 terms of the funding sources than not. And I'm not
19 trying to get in the way of business. I'm not
20 trying to slow business down. But also, to
21 continue to attempt to do what we are here for, and
22 that is to protect the public and to protect the
23 operators the best we possibly can as they -- as we
24 get out of their way for them to do business.

25 So I'm leaning more towards the preference of

1 listing or labeling or identifying select sources
2 to start the process.

3 VICE CHAIR BROWN: And Commissioner
4 Drago, I said the same thing to staff as well. So
5 again, the same concerns, again, as we embrace new
6 technology. That was my thought to be more
7 specific.

8 Obviously, balancing the facilities' needs to
9 have some flexibility, we also have to, you know,
10 slowly see and have -- as we gather the data and
11 implement this, I'm worried if -- that we will go
12 against the intent of this -- of the legislature,
13 of the statute if we're overly broad. There's a
14 reason why cash is accepted at slot machines so
15 that, you know, that patrons can leave the floor,
16 go to the ATM instead of just automatically using
17 any type of funds.

18 So I just -- I thought what we had talked
19 about was different sources, like an app, a players
20 card, a kiosk, ACH, those type of things. You're
21 also talking about credit cards as well?

22 MR. TROMBETTA: Yes. Yes.

23 VICE CHAIR BROWN: Like so you are
24 talking about credit cards?

25 MR. TROMBETTA: Sure.

1 MR. MARSHMAN: Just to add some
2 more context to this. I think you can conceive of
3 the system as the system itself and then its
4 various components. Funding is going to be a part
5 of the system. We're not really talking about what
6 form the system you would like to take yet.

7 There's going to be the same type of back and
8 forth I'd expect on that in the future with, do you
9 want to specify specifically these are the exact
10 forms that you would like? Or would you like to
11 say these are the forms you cannot have and leave
12 it to the industry to create their own solutions?

13 So if you would like to discuss the form in
14 which cashless will take, we're prepared to do that
15 as well. We just have not been as expressly
16 speaking with you all about that yet, but we're
17 happy to talk about that.

18 But to Director Trombetta's point today, we're
19 more concerned or we were concerned at the
20 beginning about the specific sources of funding and
21 what format funding would take; credit card, debit
22 card, ACH, E-check, crypto, everything else. But
23 we're prepared to talk about whatever you'd like.
24 I just think that we have to have clarity of staff
25 on sources of funding, form of a cashless wagering

1 system. However you'd like to give us direction,
2 we're happy to work on.

3 VICE CHAIR BROWN: The credit card
4 is problematic to me. But Commissioner D'Aquila?

5 COMMISSIONER D'AQUILA: I don't know if
6 the Commission is prepared to make a judgment on
7 whether it be Venmo, PayPal, Visa, et cetera. I
8 think the -- that's the responsibility of the
9 operators to comply with all -- what we're
10 concerned about is that they are complying with all
11 of the federal and other laws and our statutes,
12 correct?

13 And secondly, you know, if they're not, then
14 we're concerned. I find it awkward that we would
15 have to choose, at this point in time, with the
16 information that we have available, which one of
17 these methods. Are we at a point where we can be
18 exclusionary at this point? But we do not allow --
19 what I suggest is we not allow any method that is
20 not meeting all of the criteria at the stakeholder
21 level.

22 And I do add a provision in there because the
23 same thing with regard to the tax laws at the
24 moment, there is an uneasiness and there are laws
25 that are still developing with regard to

1 cryptocurrency. So if there is one carveout I
2 might -- I'd have to put an asterisk next to would
3 be the funding would be in cryptocurrency at this
4 point.

5 And we're not alone in that. The gaming
6 industry is not alone in that. We have the same --
7 that is still evolving even with regard to
8 taxation.

9 VICE CHAIR BROWN: Thank you. I
10 think, though, it is clear that having an app or a
11 player account or card, loyalty card tied to a
12 credit card at a slot machine is not really
13 contemplated by the statute. It would go counter
14 versus an ACH or a bank account directly tied to
15 that.

16 MR. TROMBETTA: I don't know if I
17 would characterize it as clear. I think that's
18 part of the issue. The section that I read to
19 start, I think that's the issue is going to be --
20 so it's 521.102, and I'm going to just pull it up
21 here for you.

22 So the definition of a slot machine in 521.102
23 specifically says that the slot machine can include
24 the use of an electronic payment system except a
25 credit card or debit card.

1 VICE CHAIR BROWN: Right.

2 MR. TROMBETTA: So I think what
3 we're trying to figure out without going into
4 potential legal arguments is is the electronic
5 payment system something different than a credit
6 card? What does a credit card mean? As I
7 described, first, I've always read this statute as
8 like a gas pump. That you can't go walk up to a
9 slot machine, insert your credit card and pay
10 directly.

11 I don't -- you know, I don't know how people
12 would argue -- you know, I can think about it, but
13 the idea that an app or a player card that gets
14 loaded, I don't know if that's the same thing as a
15 credit card. And if I have the legal kind of --
16 yeah.

17 VICE CHAIR BROWN: Ms. Valentine?

18 MS. VALENTINE: Yeah, just to
19 provide some clarity. And again, going back to Mr.
20 Marshman's point is, if you think of it as a
21 system, a cashless system and it has components.
22 So one of the components is a player account, which
23 is the account that's created for each feature.

24 And the two questions that are before you is
25 Number 1: What sources can fund that player

1 account? That player account, we're now talking
2 about the device in the facility that processes and
3 moves the money from the player account to a slot
4 machine. Just talking about the player account
5 itself in a vacuum right now.

6 So the first question is: What sources of
7 funding, what financial institution can a patron
8 use to put money into that player account?

9 And then the second question is: Where can
10 the patron be located when they are doing that
11 transaction?

12 And so those two questions are related but
13 they're different. And so in statute, in 551.21,
14 the prohibition is on where a patron could be
15 located when they are accessing money. Similarly,
16 you know, they can't access their bank account in
17 an ATM unless they're off the slot machine gaming
18 floor. They can't use -- they can't access their
19 credit card or their debit card account at the slot
20 machine.

21 And so that's why those two questions are
22 related but different. And it doesn't go towards
23 the form of the cashless wagering to be the
24 cashless device. And the slot machine would --
25 it's just the beginning, which is the player

1 account.

2 VICE CHAIR BROWN: There's someone
3 from the public that wants to come on up. If you
4 could come on up to the microphone --

5 MR. CALABRO: Sure.

6 VICE CHAIR BROWN: -- and state your
7 name?

8 MR. CALABRO: My name is Steve Calabro
9 from Hialeah Park Casino. I want to talk about the
10 where. Certainly, there's two big issues that --
11 and you articulated that very well. There's the
12 source and the where.

13 As a casino operator, I just wanted to share
14 with the Commission what I thought I heard -- and I
15 may not have heard everything because some of
16 the -- it was a little difficult to hear some of
17 the wording. But there was conversation as to the
18 where not being allowed on the casino floor. That
19 would be awkward. That would be as odd as you
20 could possibly pass.

21 Basically, customers would be going out to the
22 parking lot and loading in their car and coming
23 back in. So I just want to talk about the where.
24 The where should in -- as an operator, it should be
25 with the other -- there's about nine -- I think

1 eight or nine states that have cashless right now
2 in casinos.

3 And the where can occur pretty much wherever
4 the customer wants it to occur. It can occur in
5 their living room when they're loading their money
6 into their wallet, their cashless wallet. That's
7 one concept of how to do cashless. Or it could be
8 -- they could be at the bar in the middle of the
9 casino loading their money in.

10 So I just wanted to talk about the where
11 because if there's a restriction and we need -- we,
12 as operators need to know where the load is, that's
13 going to be cumbersome. We're going to have to
14 geofence the property. It's going to be kind of an
15 odd situation.

16 And then how do you really regulate that? You
17 tell somebody, you know, are you loading in your
18 phone? And maybe the guy is walking -- guy or girl
19 is walking in the casino, and he's doing it. So
20 it's a little bit awkward when what I thought I
21 heard, not being allowed to load your cashless
22 wallet if you're in the casino.

23 VICE CHAIR BROWN: No. I think I'd
24 like the staff to comment because they were really
25 kind of mirroring the ATM requirement.

1 Mr. Trombetta?

2 MR. TROMBETTA: Sure. So there
3 already are restrictions on where some of these
4 transactions can happen in statutes. So I
5 understand exactly what Mr. Calabro was saying,
6 that it would be awkward. We've also received
7 feedback from some of the people that provide the
8 service during the meetings that it is possible.

9 Now, I get from an operations standpoint, I
10 don't know what the cost is, and there are
11 obviously questions. But, I mean, I think Mr.
12 Calabro would agree that if somebody wants a cash
13 advance, you can't do it on the casino floor. If
14 they want to cash a check, you can't do it on a
15 slot gaming floor, right?

16 Now, there's still solutions -- the
17 operations, you guys have found solutions. Well,
18 you got to go off the floor. Well, we're trying to
19 make sure and has been, you know, just come up
20 here, is that if we incorporate a funding method,
21 we want to make sure it doesn't contradict what's
22 already in 551. That's the balance that we're
23 trying to make.

24 MR. STEVE CALABRO: I understand. The only
25 thing I'm saying, I'm talking about reality. I

1 understand the law there, and the interpretation
2 can be taken a couple different ways. I understand
3 that the technology, both Everi and Acres, they all
4 -- they can do either. They can do either ways.

5 But if you just think about it from a logical
6 standpoint, currently, there's seven or -- eight or
7 nine states that have cashless. And, currently,
8 our competitor, right here in South Florida, has
9 cashless. And so what we, as pari-mutuel casinos,
10 would be asking, and the Commission and staff would
11 be saying is, listen, any time you're in those
12 other states where -- or if you're at the Hard
13 Rock, you just kind of do -- you're loading on your
14 cashless, and you do your cashless from your device
15 like everybody does. We all carry it around now.
16 You know, we all have Venmo, Cashmo, the rest of
17 the things. And you -- you know, you self-police
18 it through your phone.

19 But what I heard was no, no, no, you're going
20 to have to go out in the parking lot and do that if
21 you're at a pari-mutuel casino. I just think
22 that's odd.

23 VICE CHAIR BROWN: Thank you.

24 MR. CALABRO: I think it's really odd.

25 VICE CHAIR BROWN: The way you

1 describe it does sound odd, going in the parking
2 lot, but I don't think that is the way that staff
3 is contemplating it.

4 MR. CALABRO: Well, no. If you're
5 mirroring the ATMs, you're going to walk off the
6 casino floor and you're going to be like --

7 VICE CHAIR BROWN: Yes.

8 MR. CALABRO: -- I guess, at valet, you
9 know, you've got the entrance, and then you're
10 going to do it, and then you're going to walk back
11 in.

12 VICE CHAIR BROWN: You certainly can
13 load it in your home and you can, from what I
14 understand, what -- not as you described.

15 Mr. Trombetta?

16 MR. TROMBETTA: Well, again, we're
17 just going based on what's in the statute.

18 VICE CHAIR BROWN: Right.

19 MR. TROMBETTA: I think we've
20 worked with the operators that are here about the
21 ATM issue. And we didn't say parking lot, Steve.
22 It is a slot gaming floor issue. It's just the
23 language in the statute that we're looking at.

24 MR. CALABRO: Okay. I just want to
25 share with -- you know, the differences.

1 VICE CHAIR BROWN: No. It's good to
2 hear your feedback. Thank you.

3 MR. CALABRO: Okay. Thanks a lot.

4 VICE CHAIR BROWN: Thank you.

5 MR. CALABRO: All right. Thank you.

6 VICE CHAIR BROWN: Commissioner
7 Drago?

8 COMMISSIONER DRAGO: Yeah. I think I'm
9 just getting myself confused here as to what we're
10 really trying to achieve today. So as I understood
11 it, we're just looking at some basic responses to
12 these. We're not looking to determine what sources
13 there will be, where they -- where the -- where
14 they can activate them, where they can load
15 their -- the device. We are just trying to decide,
16 I thought, do we want to regulate the sources or
17 not, and do we want to regulate geographically
18 where they can access it or not.

19 But we're not -- we don't -- you're not
20 looking for us to, and unless everybody wants to,
21 but I just, in the interest of time, are we
22 actually going to look -- are we here today to look
23 at the types of sources, the type of where the --
24 where they can load their device and so forth? Or
25 as I understood it, just give you some guidance as

1 to what direction we're interested in in going in
2 those, whether we want to restrict it or not
3 restrict it, et cetera.

4 MR. TROMBETTA: So and I think
5 that's a great question. Thank you. The way you
6 describe it is what we're looking for, is that
7 if -- I don't think right now it's appropriate to
8 go to discuss or have a back and forth about the
9 merits of one type of funding source versus
10 another.

11 What would be more helpful is if you could
12 give us direction, give staff direction on if you'd
13 like us to set up the rule in a way that
14 essentially limits or elapsed, in other words, to
15 -- you know, I think that would be helpful. Then
16 big picture, we will go back. We will review. We
17 will put language together, and then there will be
18 formal opportunities for you all to give us
19 feedback, direct kind of language, for the industry
20 to give feedback on the language and then we can
21 kind of go from there.

22 VICE CHAIR BROWN: That makes sense.
23 Commissioner D'Aquila?

24 COMMISSIONER D'AQUILA: To Mr. Calabro's
25 point, it seems as though the statute, that there

1 is the possibility, if legal counsel agrees, that
2 the statute may require some updating in light of
3 what the marketplace is. But so in the direction
4 that you're looking for from us, is it just simply
5 possible to write it under the current statute that
6 exists, but simultaneously anticipate where the
7 industry is going and the reality of the situation.

8 And we all know how much the iPhone or other
9 phones -- I don't mean to brand -- have changed our
10 lives or reality, you know, the marketplace,
11 especially in light of other states that are -- and
12 other competitor in the state albeit of a different
13 jurisdiction.

14 But can you do both, you know, anticipating
15 that there might be a rule change with regard to
16 the location.

17 VICE CHAIR BROWN: Mr. Marshman?

18 MR. MARSHMAN: Staff is always
19 going to give you language that we think is
20 narrowly tailored to what the law is at the time
21 we're writing the language. It's fair to say that
22 these statutes have not kept pace with larger trends
23 in the gaming industry. That's apparent. But in
24 the meantime, we have law of the land spelled out
25 to us in the statute.

1 For historical context, there used to be a
2 statute prohibiting ATMs in a casino altogether,
3 and that was not the division of pari-mutuel
4 wagering changing its mind. That was the Florida
5 legislature changing the law. So if through this
6 process we find hard-and-fast restrictions in the
7 statute, we cannot ignore them.

8 And to your point, Commissioner D'Aquila, we
9 will try to be as forward-thinking as we can future
10 proofing these rules. We don't want to do this
11 twice.

12 COMMISSIONER D'AQUILA: Right.

13 MR. MARSHMAN: But there are always
14 going to be hard-and-fast restrictions. We've
15 already talked about them. Director Trombetta has
16 already talked about them. Ms. Valentine's already
17 talked about them. We can't ignore those.

18 If I may, just in terms of what the staff's
19 plan was on like next steps, like mechanics of
20 this, this would be useful, I think, for the
21 industry to know as well. The plan was to have a
22 formal workshop in a few months and have the
23 language at that workshop. They will be able to
24 provide all of their comments and feedback. We
25 will then compile all of that feedback and present

1 it to you, and give the industry another chance to
2 address their concerns directly with you.

3 So just to allay anyone's concerns in the
4 room, this is the last chance they're ever going to
5 have to talk about this, it's far from it. This
6 isn't even a workshop. But the next step is going
7 to be a workshop. There will be language. We will
8 expect reams of comments and feedback from every
9 angle on this. We look forward to it, and we
10 equally look forward to presenting all of that
11 feedback with our modified rules to do all that
12 sometime in the fall and keep moving the ball
13 forward.

14 VICE CHAIR BROWN: Thank you for
15 reiterating what Mr. Trombetta said at the onset,
16 but just to allay everyone's concerns here today.

17 Commissioners, any other questions? Okay. So
18 I think we're -- you are looking for guidance right
19 now on the funding source. We've already discussed
20 the location and the legality then; is that
21 correct?

22 MR. TROMBETTA: Yeah. Again, I
23 think it would be most helpful, it sounds -- again,
24 to summarize sort of what I'm already getting, it
25 sounds like Commissioner Repp, Commissioner

1 D'Aquila are more open to kind of a, let's say,
2 being a little bit more broad in how we word the
3 rule. Then I think Commissioner Brown and
4 Commissioner Drago is that sort of when it comes to
5 methods of funding, essentially. Is that fair?

6 VICE CHAIR BROWN: Commissioner
7 Drago?

8 COMMISSIONER DRAGO: Yeah. I think --
9 and I'm not speaking for Vice Chair.

10 VICE CHAIR BROWN: He's not.

11 COMMISSIONER DRAGO: For me, yeah. I
12 think that, as I said before, I think we need to be
13 somewhat restrictive on the funding sources, at
14 least careful about how we do and not just open it
15 up to everything.

16 In terms of the location, I feel the same way.
17 I think we need to scrutinize it closely, make sure
18 that we are following the statutes as they are now
19 and the intent of the legislature to somewhat
20 monitor those as Mr. Marshman mentioned before.

21 You know, originally they were -- ATMs were
22 out across the street from the casinos and so
23 forth, and they cracked back a little bit. But
24 that's, of course as, you said, the legislature
25 deciding that. So we certainly don't want to step

1 out of our bounds, but I do think that we should
2 have -- so I'm leaning towards, yeah, being
3 restrictive in both those things.

4 And of course, after we get feedback from the
5 industry and everybody involved and our folks and
6 staff and, you know, you can narrow that down to be
7 so that it's workable and not an issue for them,
8 that it can be done, but not just opening the door
9 up without some close scrutiny in that regard, so.

10 VICE CHAIR BROWN: Mr. Trombetta?

11 MR. TROMBETTA: Yeah. I think
12 just to -- again, just in the interest of time and
13 moving forward, the feedback is very good and has
14 been very helpful. Just, again, we have these
15 individual meetings, but it's important for you all
16 too to have this conversation together. I think
17 it's good for us to get it as well.

18 I think we can for the -- for these two items,
19 I think we can potentially call it two options, I
20 think. One that kind of leans more this direction.
21 One that goes more this direction, and we can kind
22 of go from there.

23 If, again, if the commission's okay with that,
24 it will be helpful because then we can have these
25 -- we can hit the ground running.

1 VICE CHAIR BROWN: Absolutely. And
2 I -- you know, there is a reason why the regulated
3 industry has been slower to adapt to the tribal and
4 the commercial operators because they want to be
5 cautious. We all want to be cautious. It'd be
6 great to see the best practices of those states
7 that have regulated and kind of compare and look at
8 where their statutes are, what is authorized. That
9 would be very helpful to see.

10 And there's a place in our own statutes
11 because we want to make sure we're doing the right
12 thing along with the best practices.

13 Commissioner D'Aquila?

14 COMMISSIONER D'AQUILA: You raised --
15 answered my point.

16 VICE CHAIR BROWN: Okay. Are we
17 good to -- are we good?

18 MR. TROMBETTA: Yes. Thank you.

19 VICE CHAIR BROWN: Okay. That
20 concludes -- is there anybody -- actually, before I
21 conclude the discussion, does anybody else want to
22 address us on the cashless wager before we move
23 into our attorney-client portion?

24 Seeing none, we have a script we have to read
25 for this portion on the attorney. We're going to

1 have a closed meeting shortly. We're going to
2 recess this portion, and I have to read the script.
3 So pardon me.

4 We're going to be discussing Agenda Item 8.
5 General Counsel Valentine, please proceed.

6 MS. VALENTINE: As desired of the
7 Commission's advice concerning litigation in --

8 VICE CHAIR BROWN: Could you speak
9 up, please, and be slow for the stenographer, court
10 reporter?

11 MS. VALENTINE: Sorry. My
12 apology. I, as desired of the Commission's advice,
13 concerning litigation in connection with FGCC Case
14 Numbers 2022-017792 and FGCC Case No. 2022-029982.

15 VICE CHAIR BROWN: Thank you. I'm
16 going to have to read this. In connection with the
17 performance of our duty to regulate the operation
18 of pari-mutuels pursuant to Chapter 550 Florida
19 Statutes, it is necessary that the FGCC close this
20 meeting to discuss with our counsel information
21 that is confidential and exempt.

22 Specifically, we will be discussing strategy
23 related to pending litigation related to Case Nos.
24 2022-017792 and 2022-029982, FGCC versus Donald L.
25 Brown and FGCC versus Marcus Jon Vitali. The

1 closed meeting will be approximately 30 minutes,
2 however, it could be less.

3 For the record, those who are in attendance
4 will be Vice Chair Julie Brown; Commissioner Chuck
5 Drago; Commissioner John D'Aquila; Commissioner
6 Tina Repp; Executive Director Louis Trombetta;
7 Deputy Executive Director and Chief Legal Officer
8 Ross Marshman; General Counsel Elina Valentine;
9 Chief Attorney Elizabeth Stinson; Attorneys Joseph
10 Klein and Shireen Anbardan; Commission Staff Dixie
11 Parker and our Court Reporter, Michelle Payne
12 [sic].

13 To comply with Section 16.716 and
14 286.011(8)(c) Florida Statutes, there will be a
15 written record of this declaration of necessity of
16 closure that will be filed with the official
17 records custodian of our commission.

18 For the record, the time is now 10:59. And if
19 you could please -- oh, sure. Mr. Trombetta?

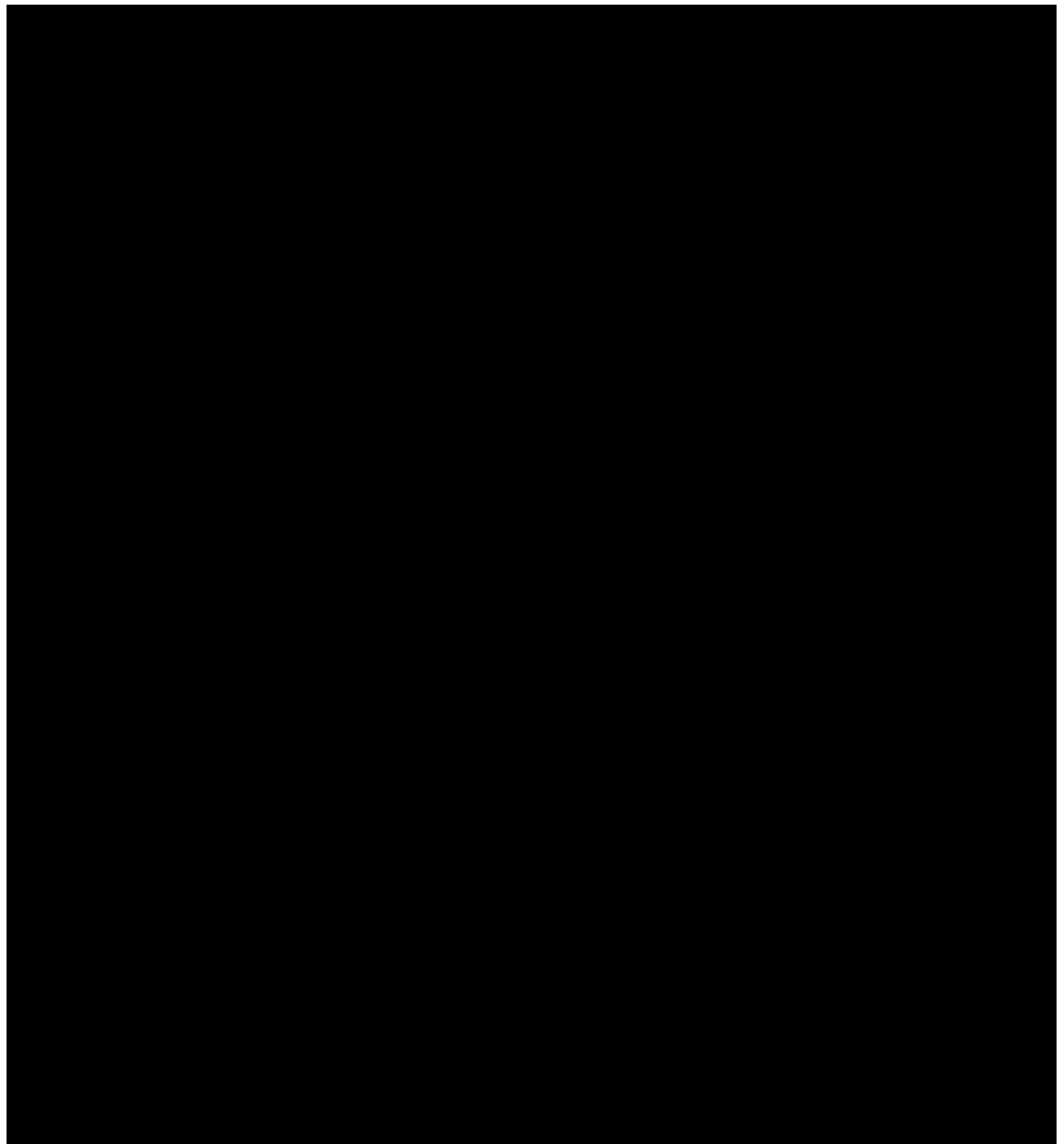
20 MR. TROMBETTA: I didn't hear Joe,
21 director of PMW. Joe Dillmore's name mentioned. I
22 just wanted to --

23 VICE CHAIR BROWN: I did not mean to
24 leave you out. You're not in the script. Mr. Joe
25 Dillmore will also be in attendance.

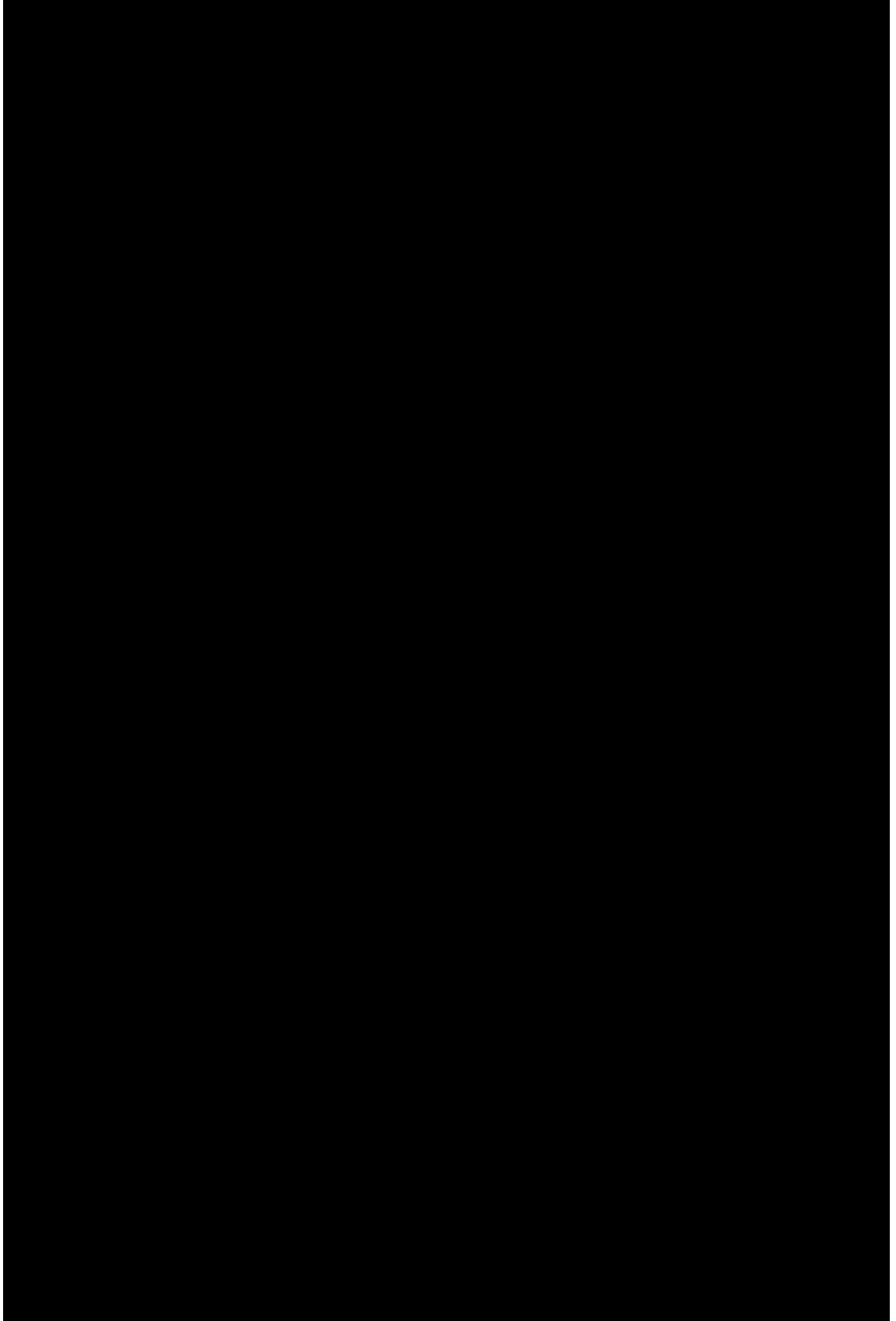
1 So at this, we're going to recess briefly,
2 public. All of those that were not listed to be in
3 attendance in this closed session, Ms. Parker will
4 come get you out in the hall once we are done with
5 the attorney-client portion.

6 (Thereupon, a brief break was taken; after
7 which the following proceedings resumed.)

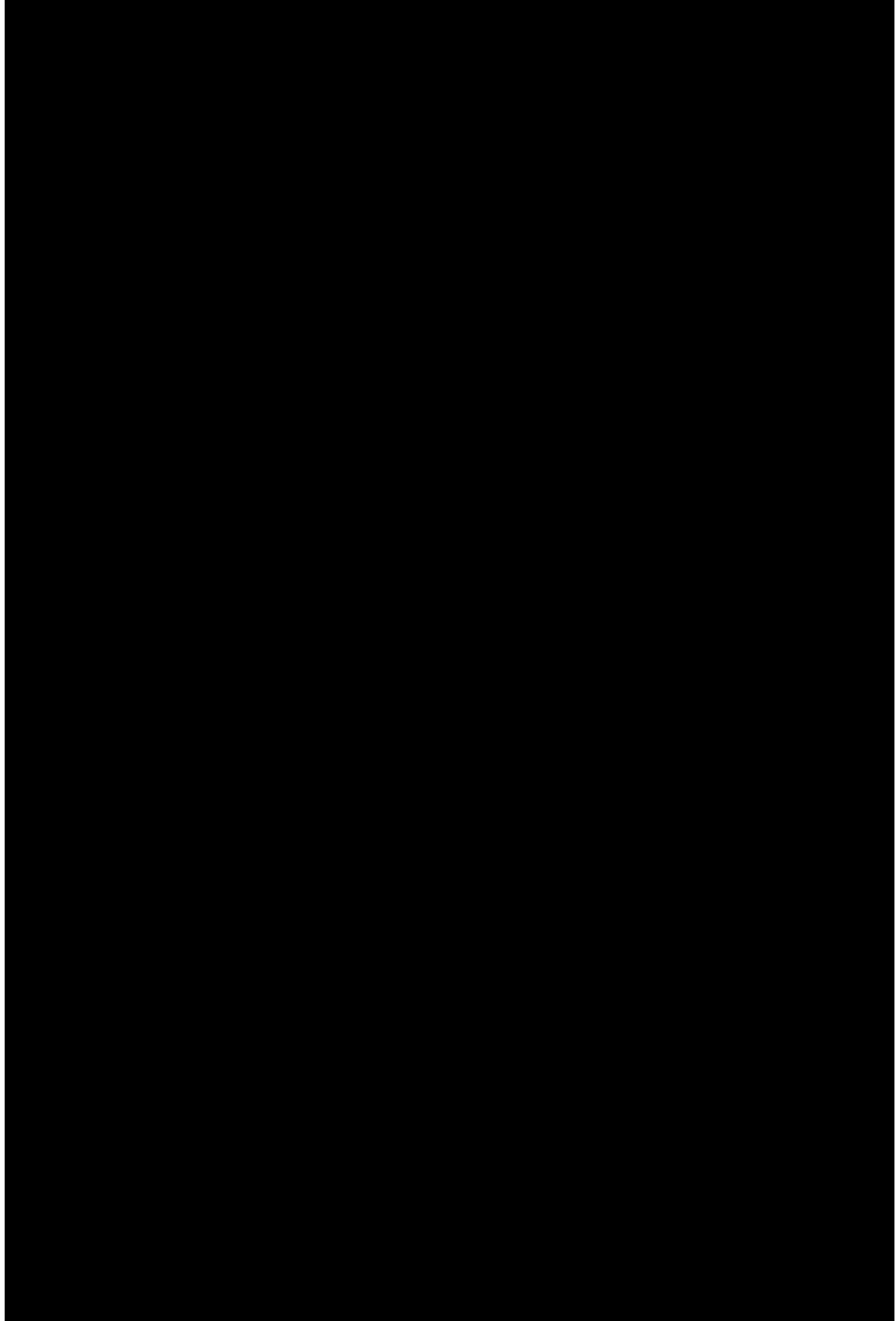
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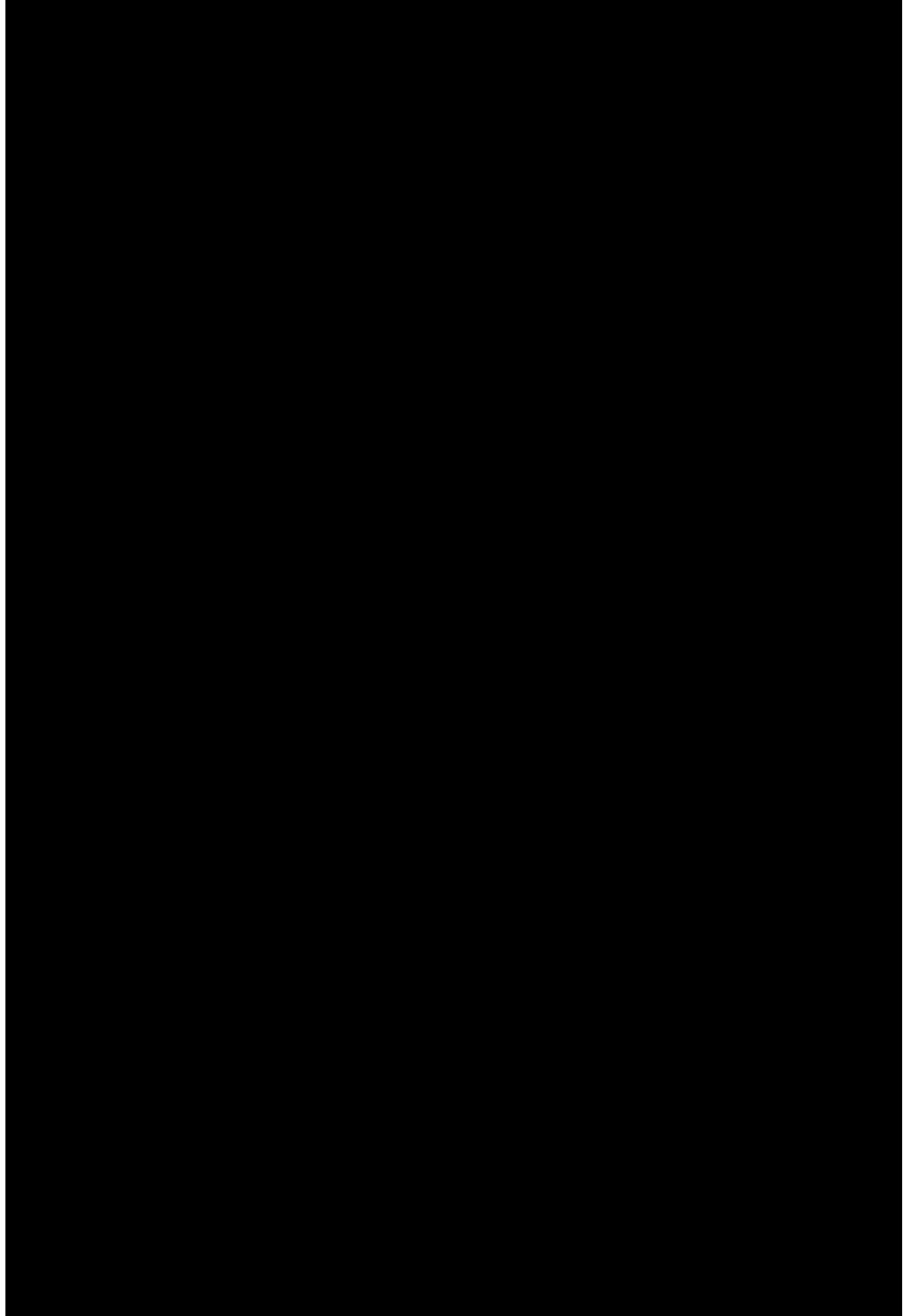
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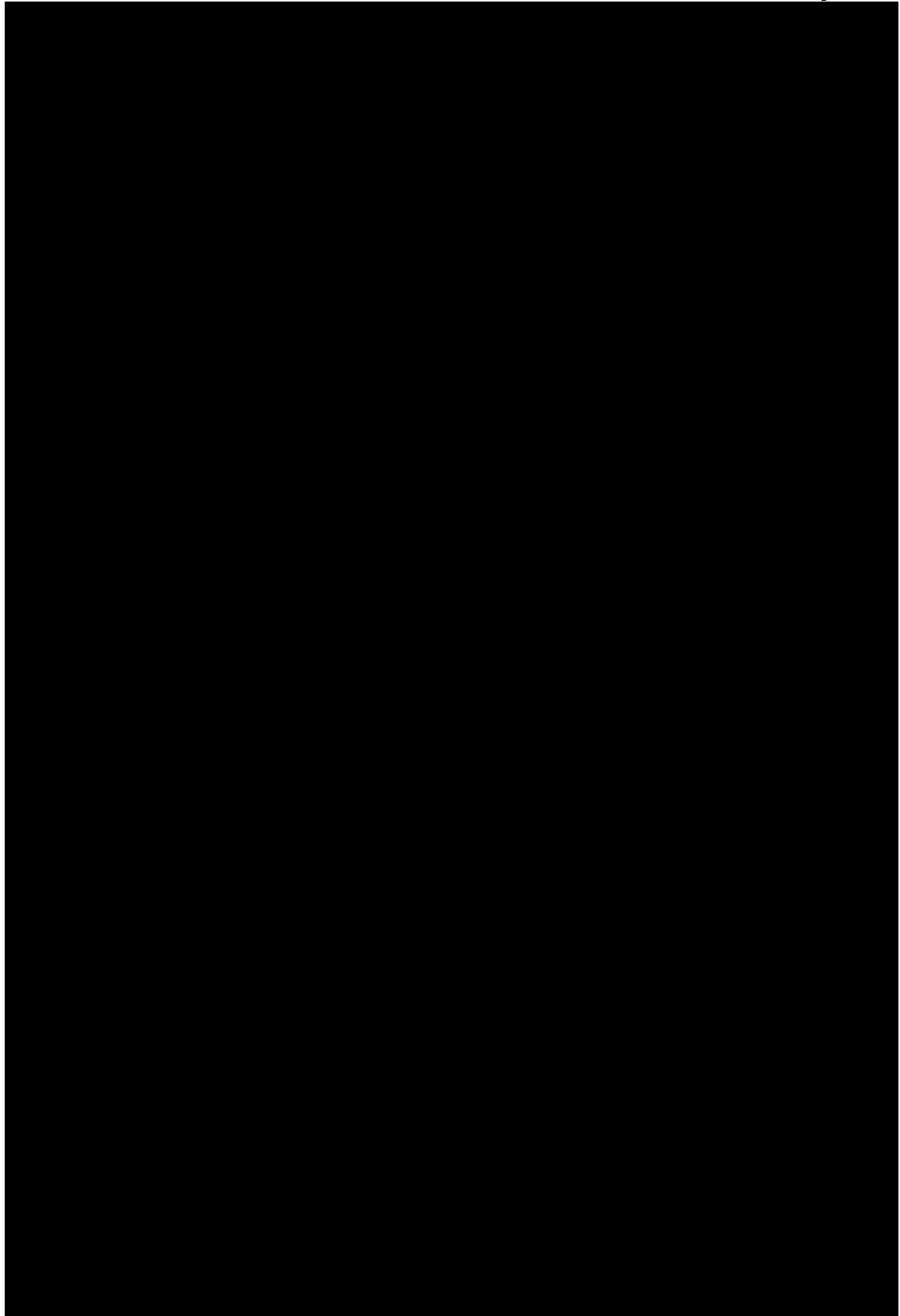
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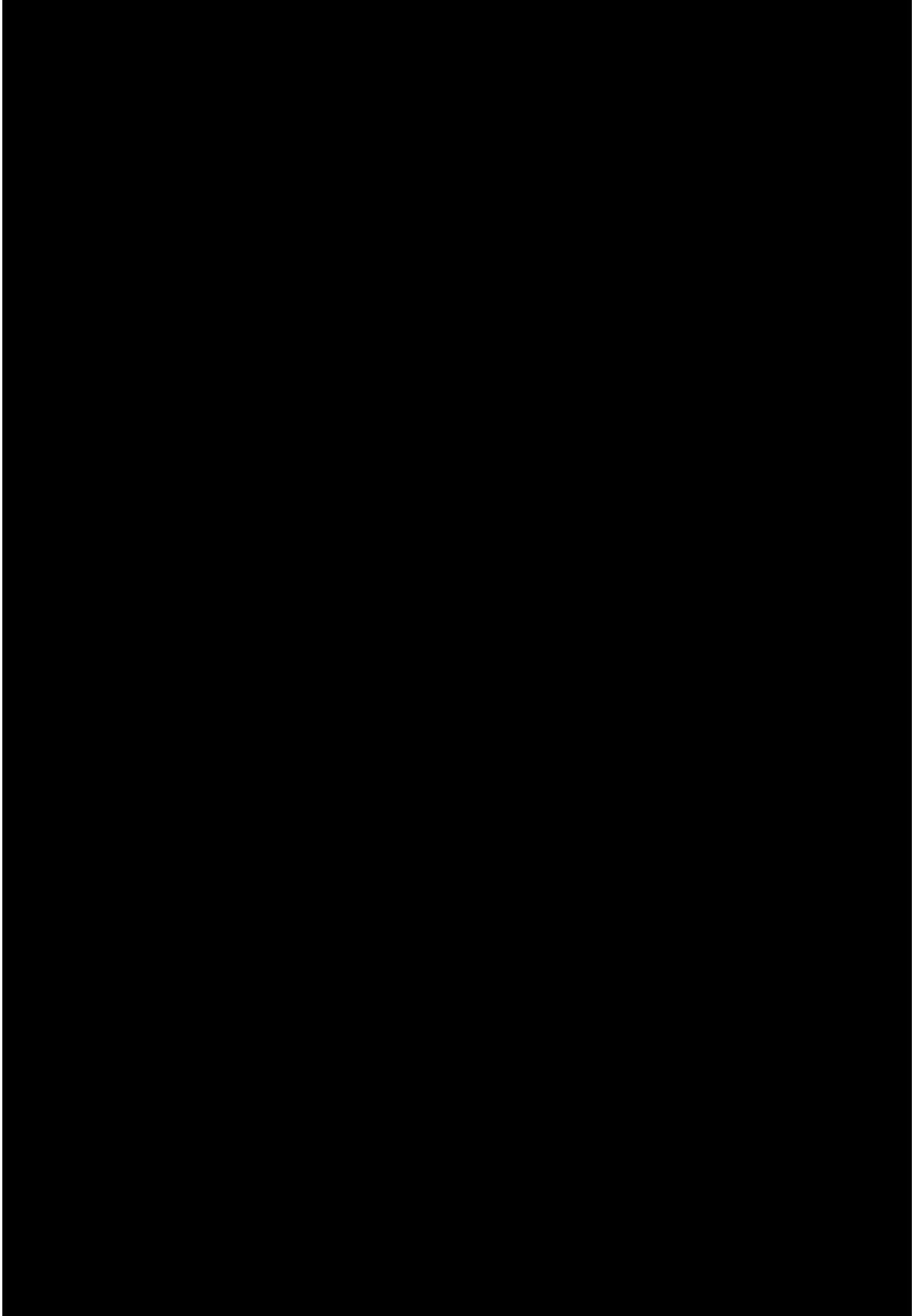
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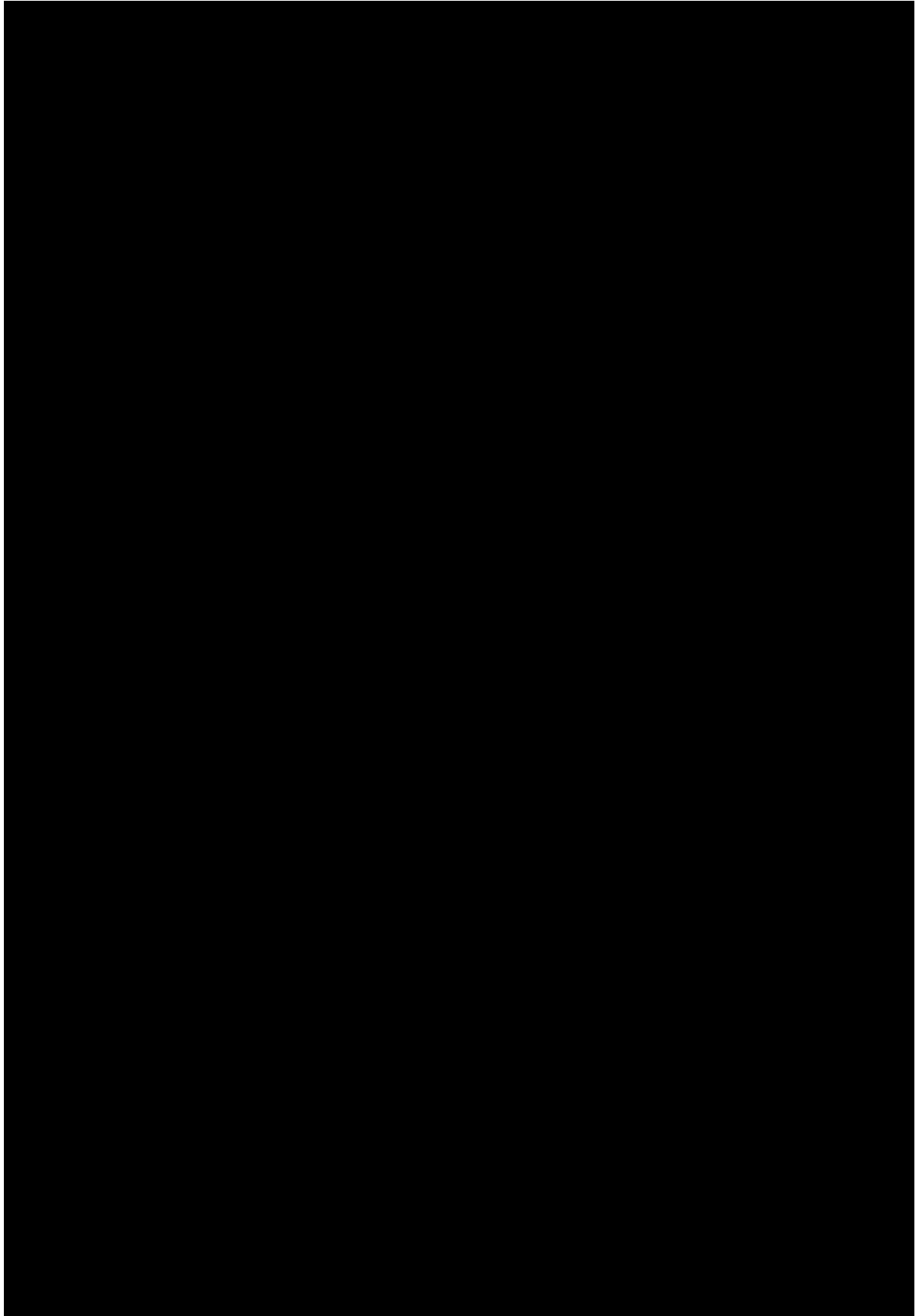
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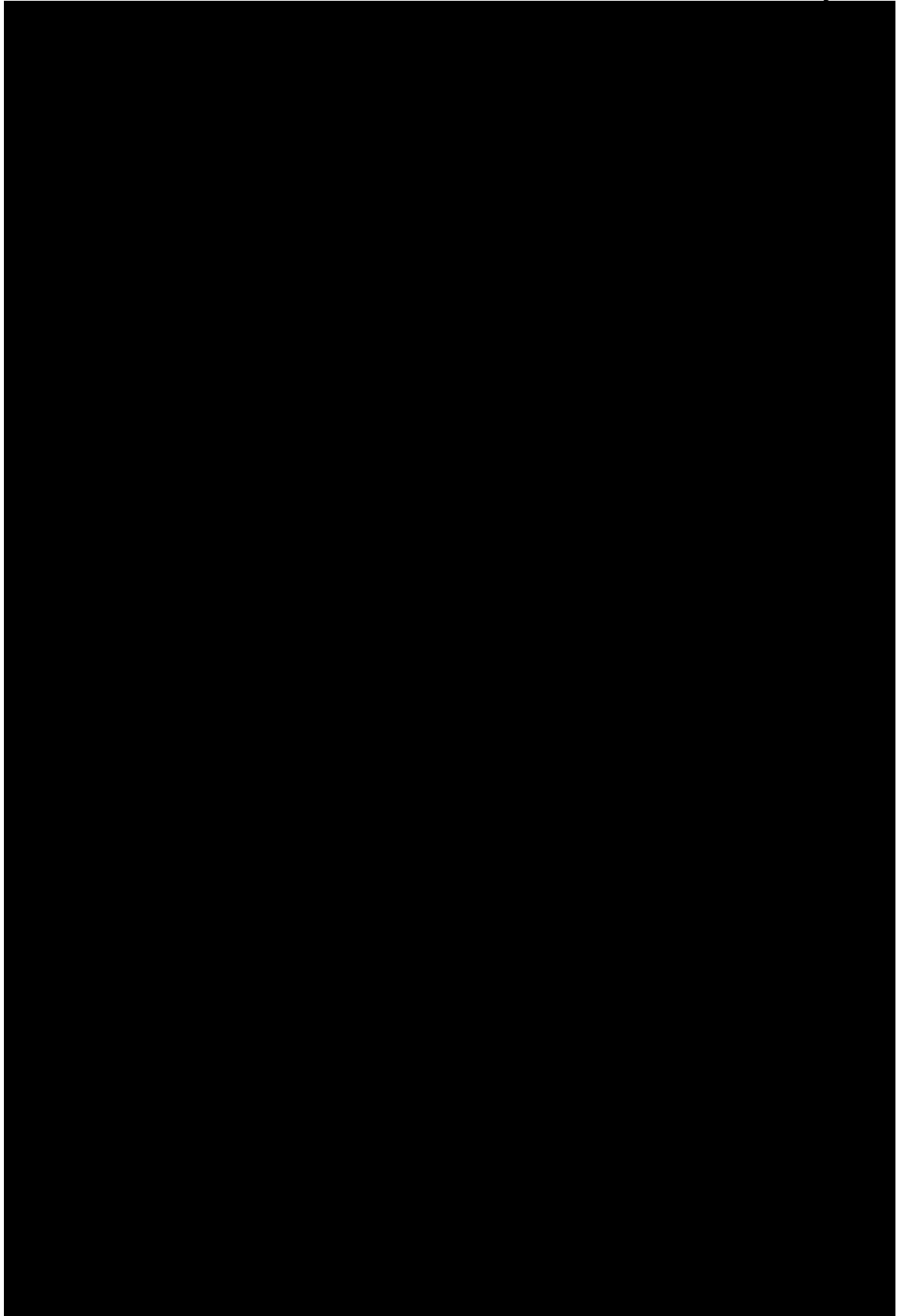
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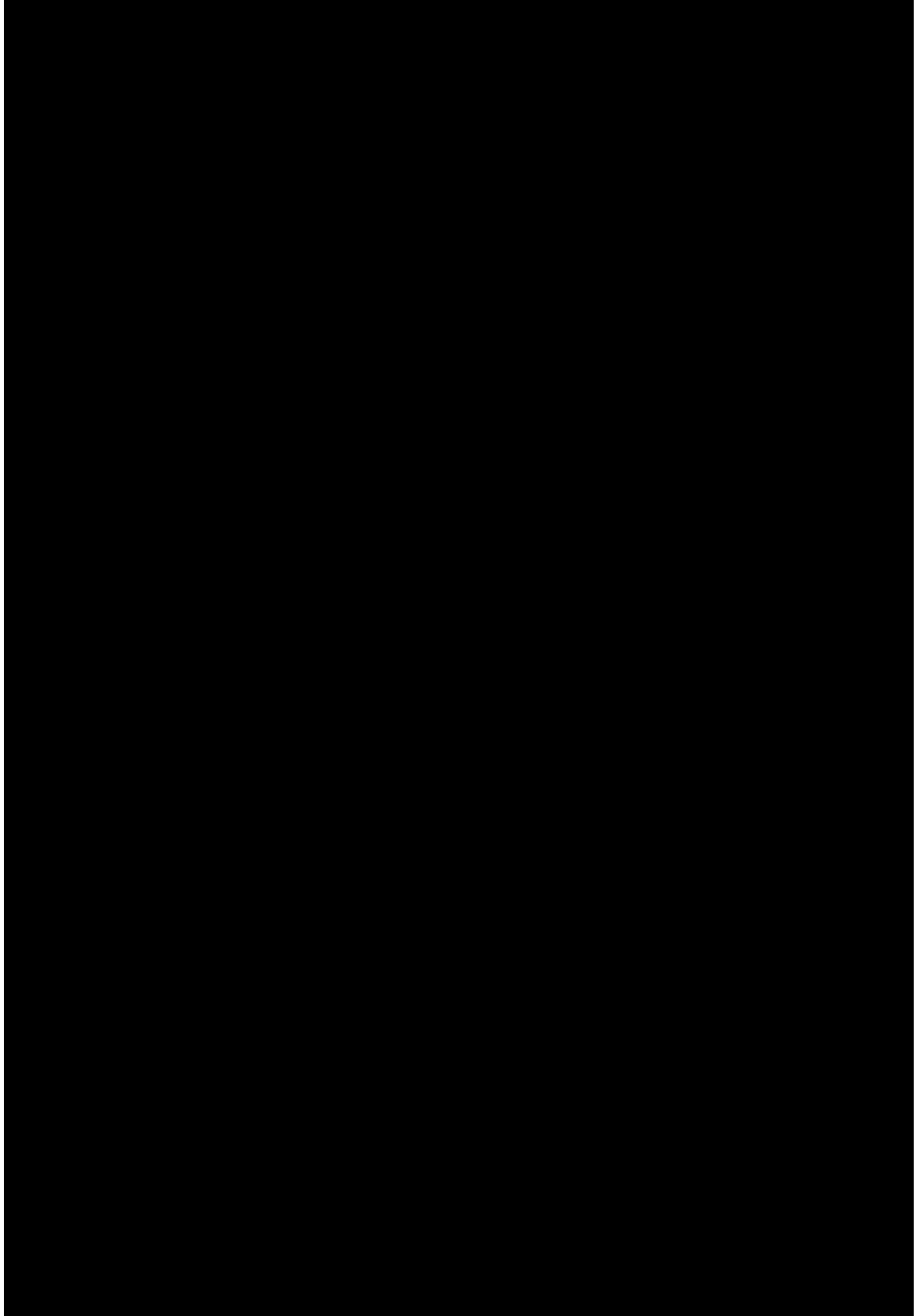
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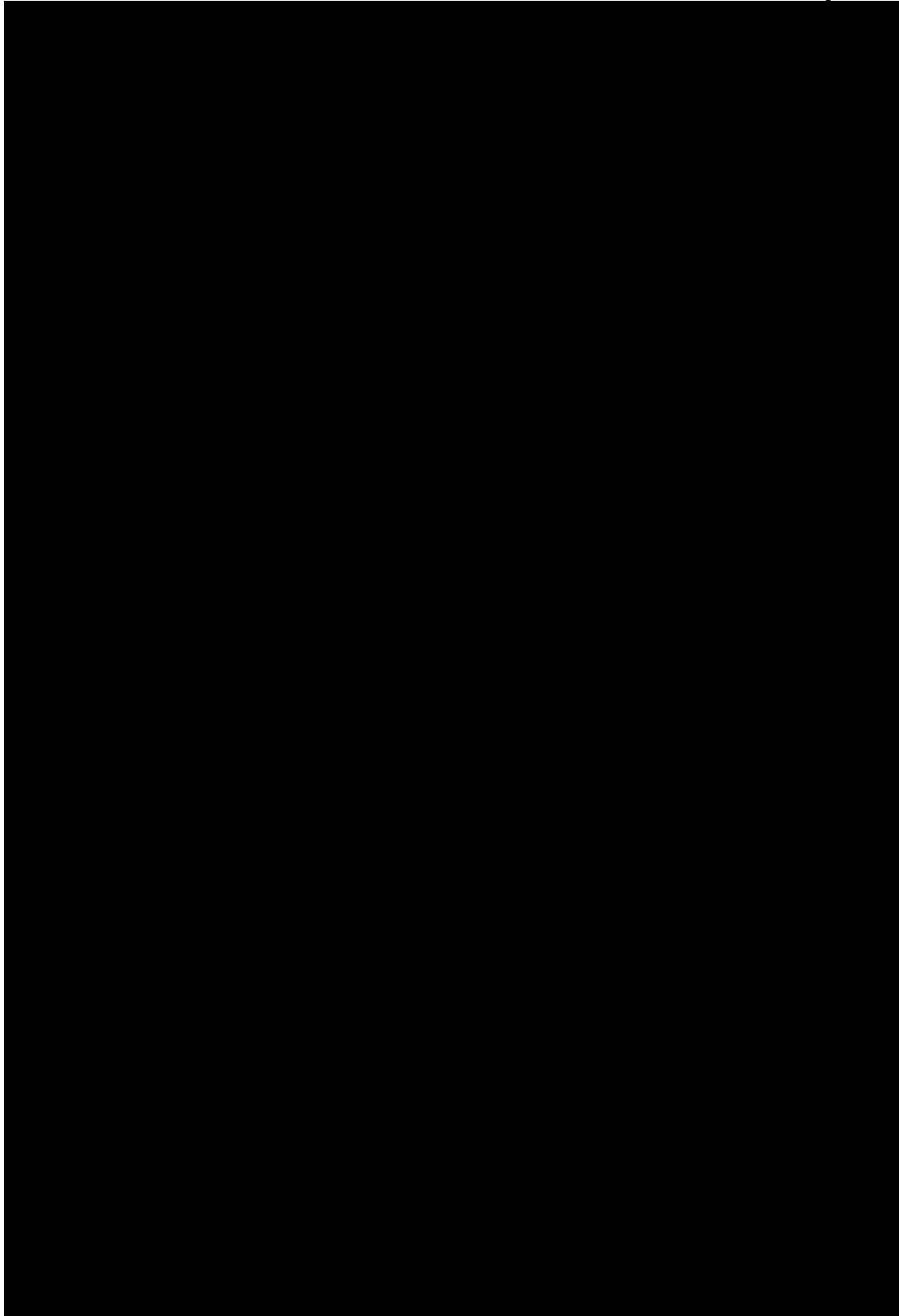
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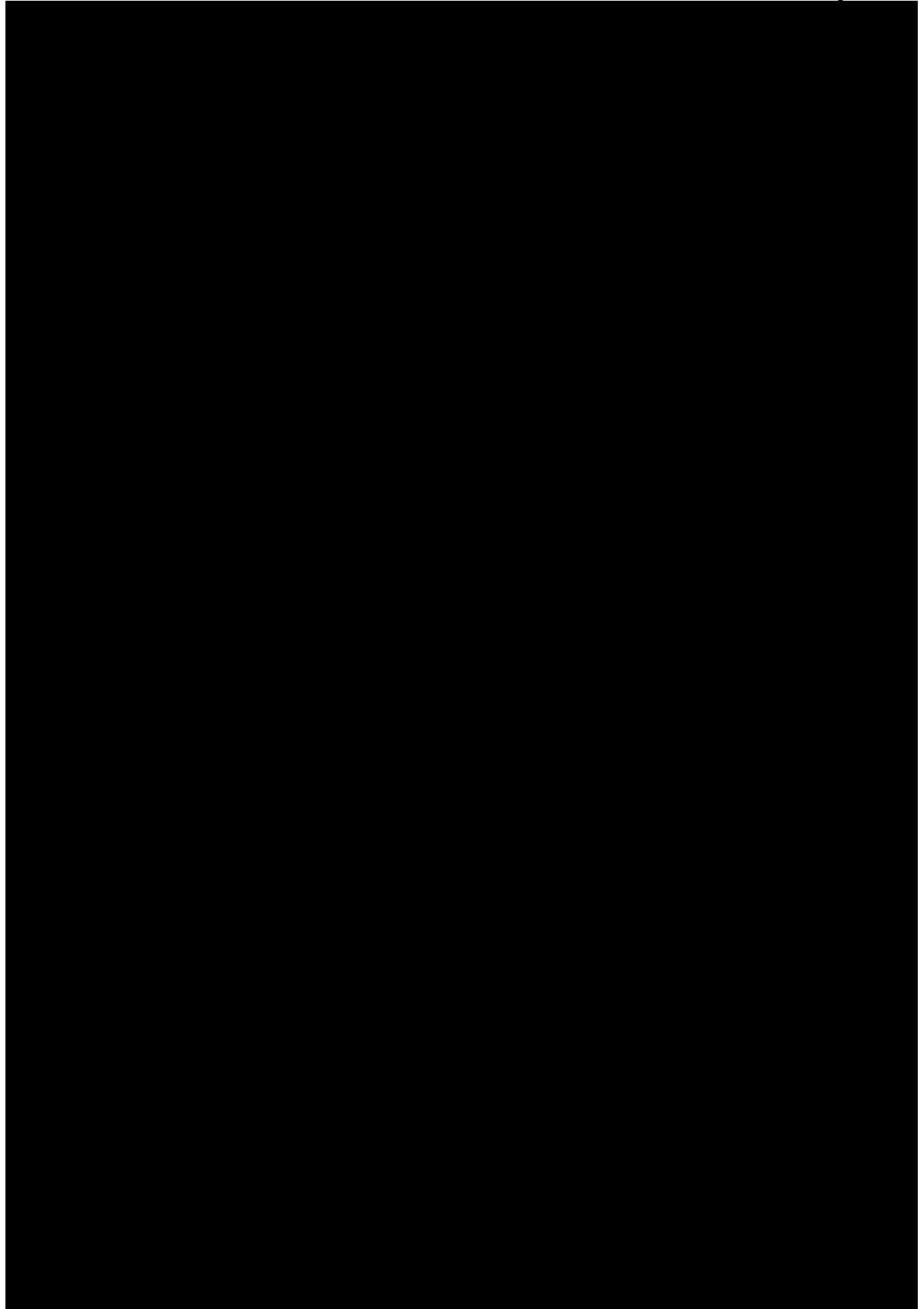
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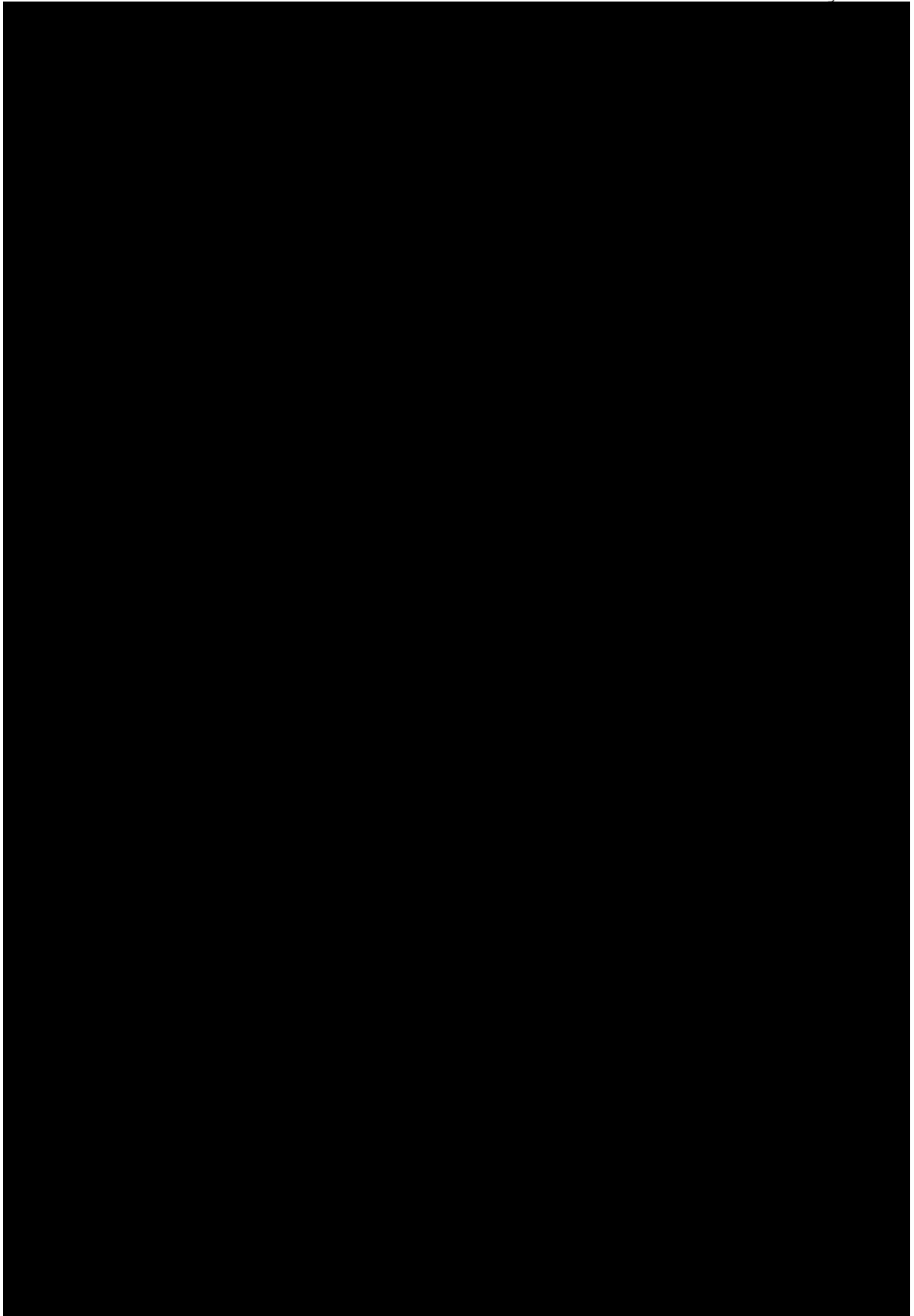
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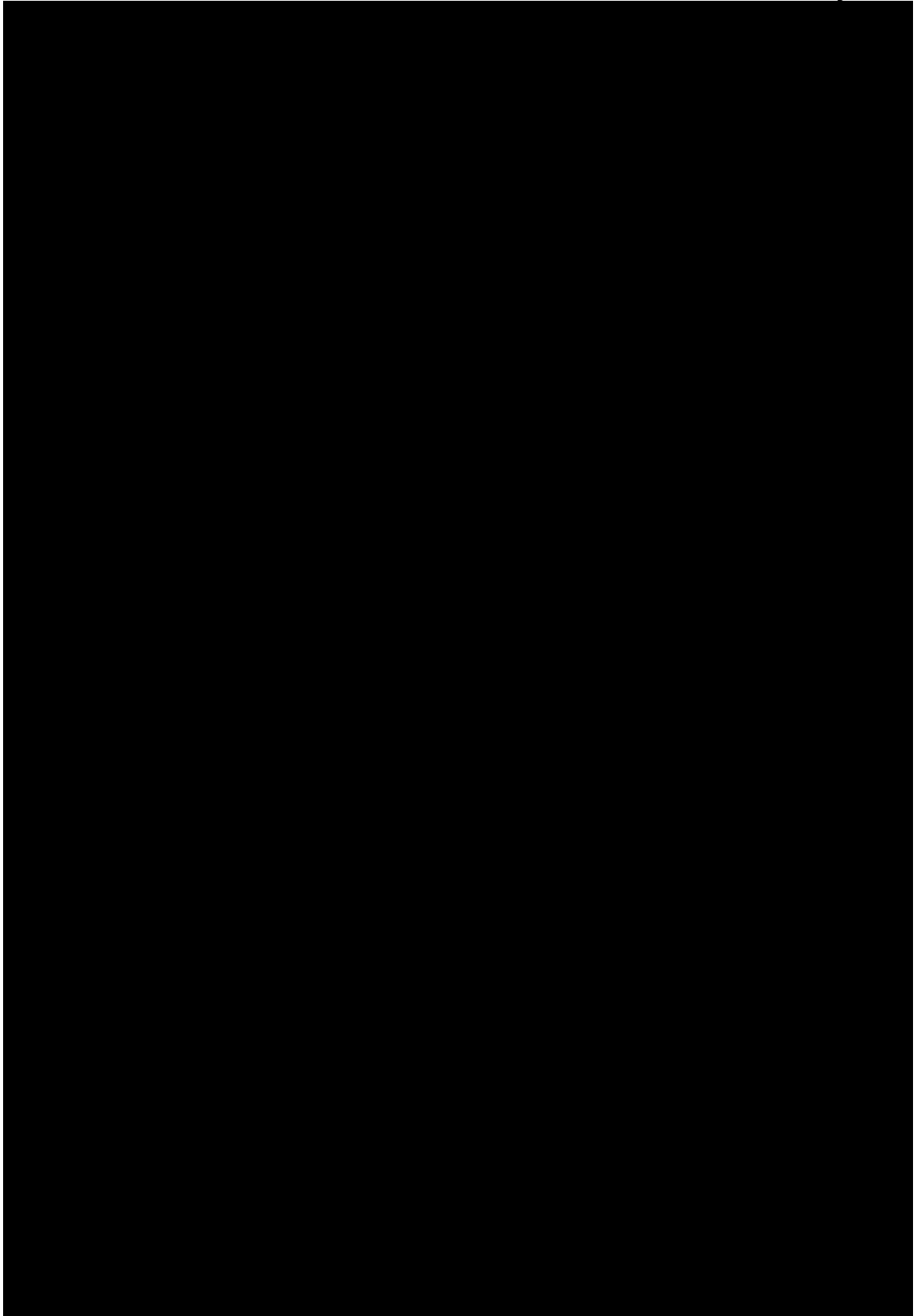
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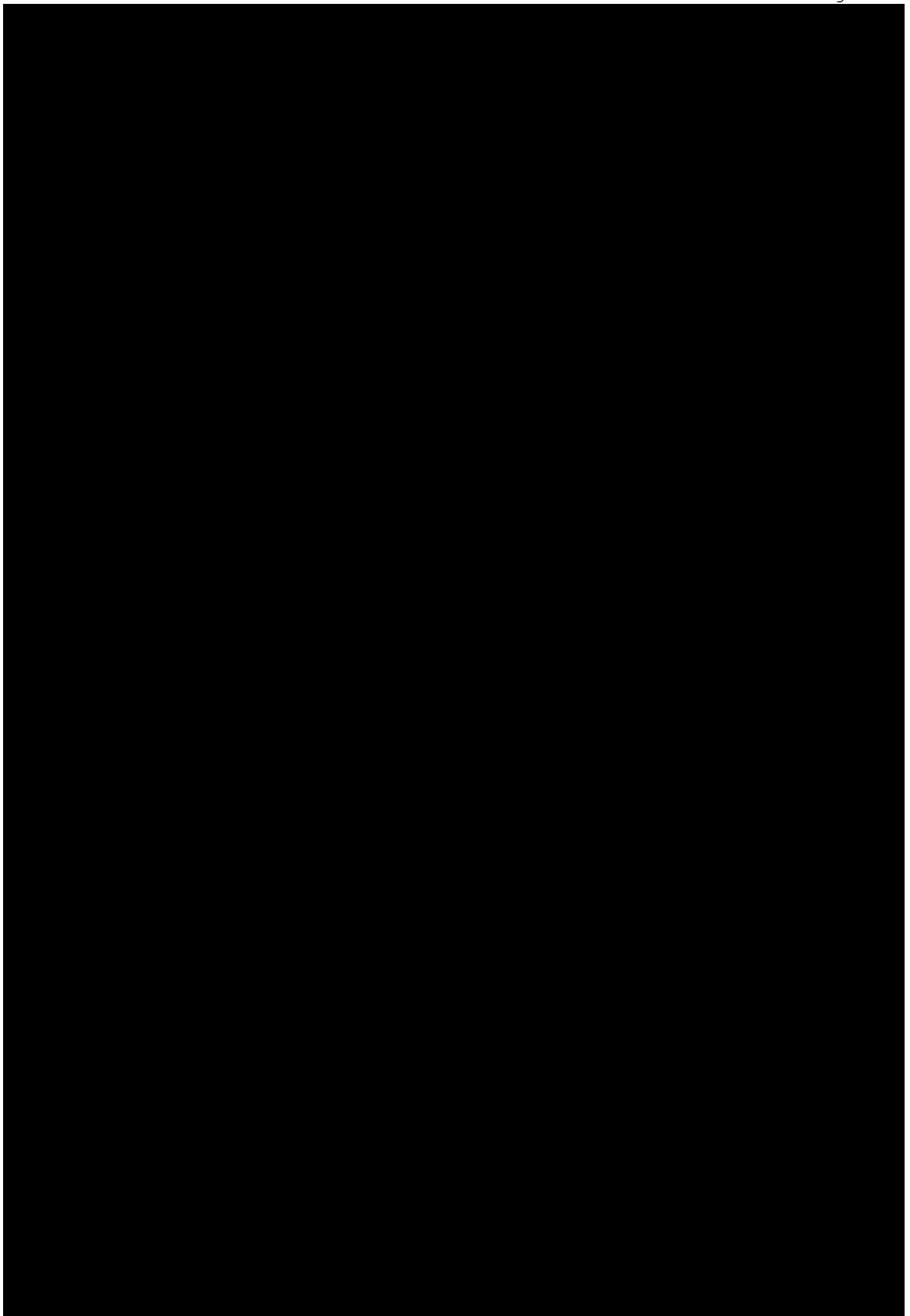
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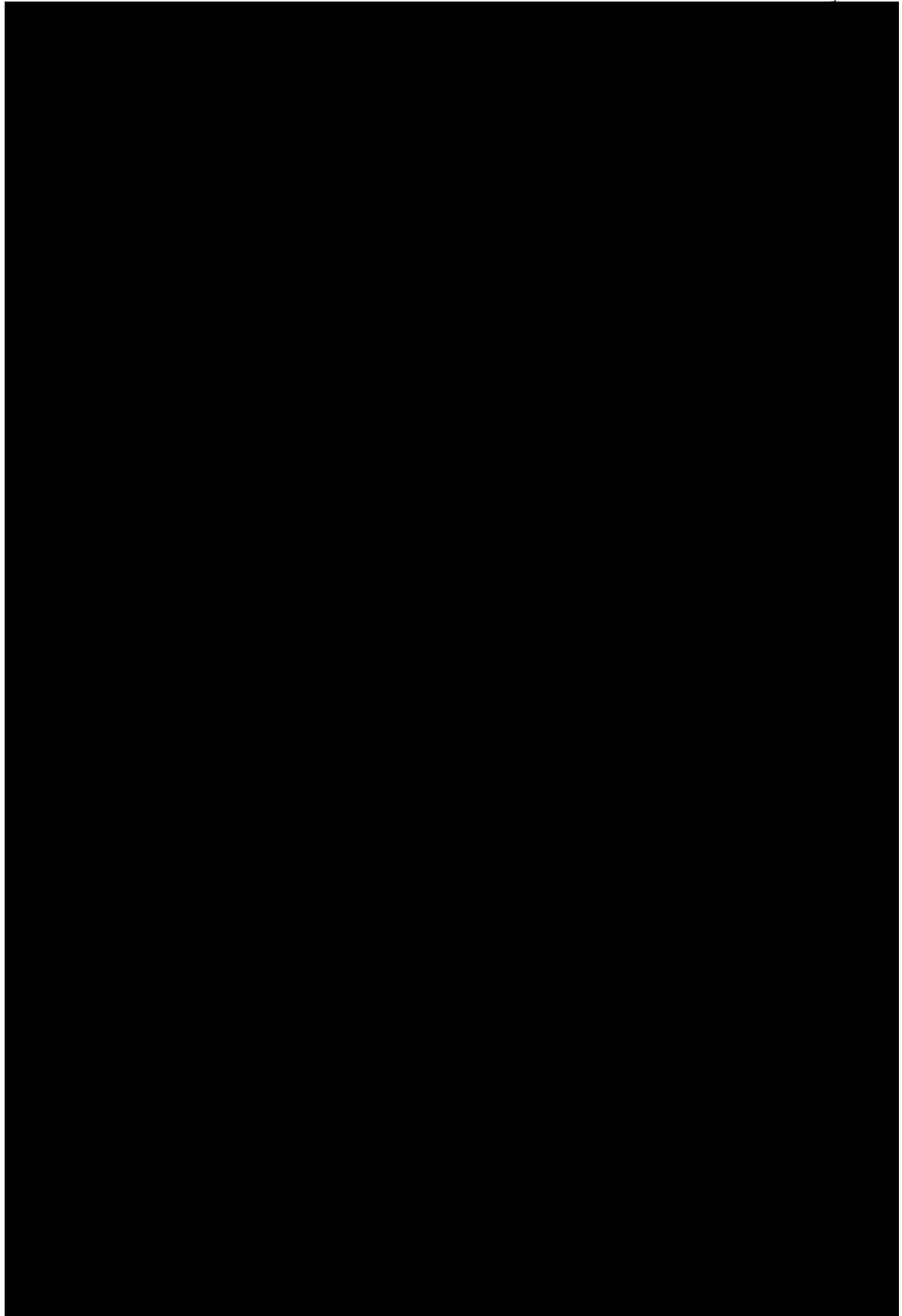
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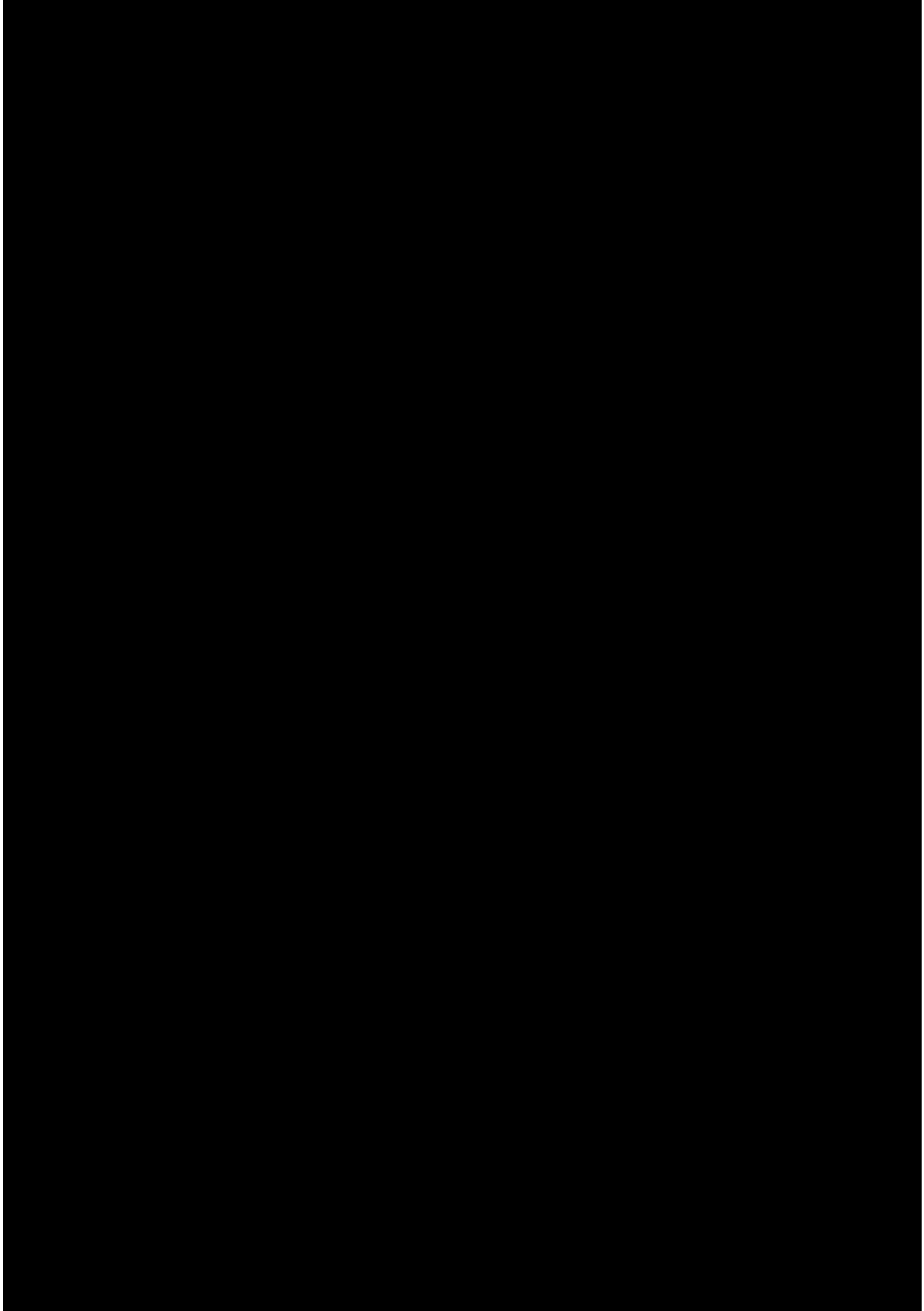
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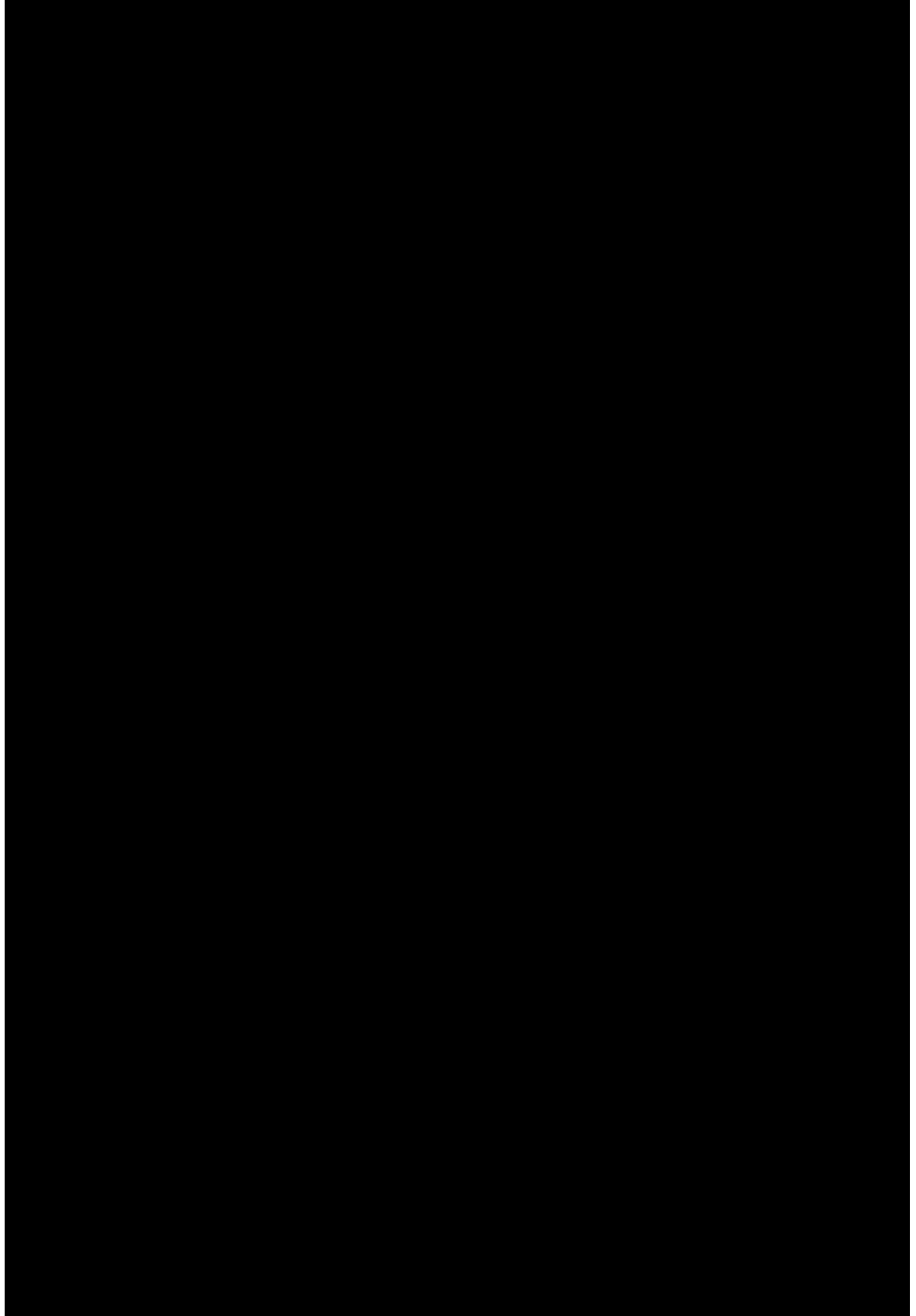
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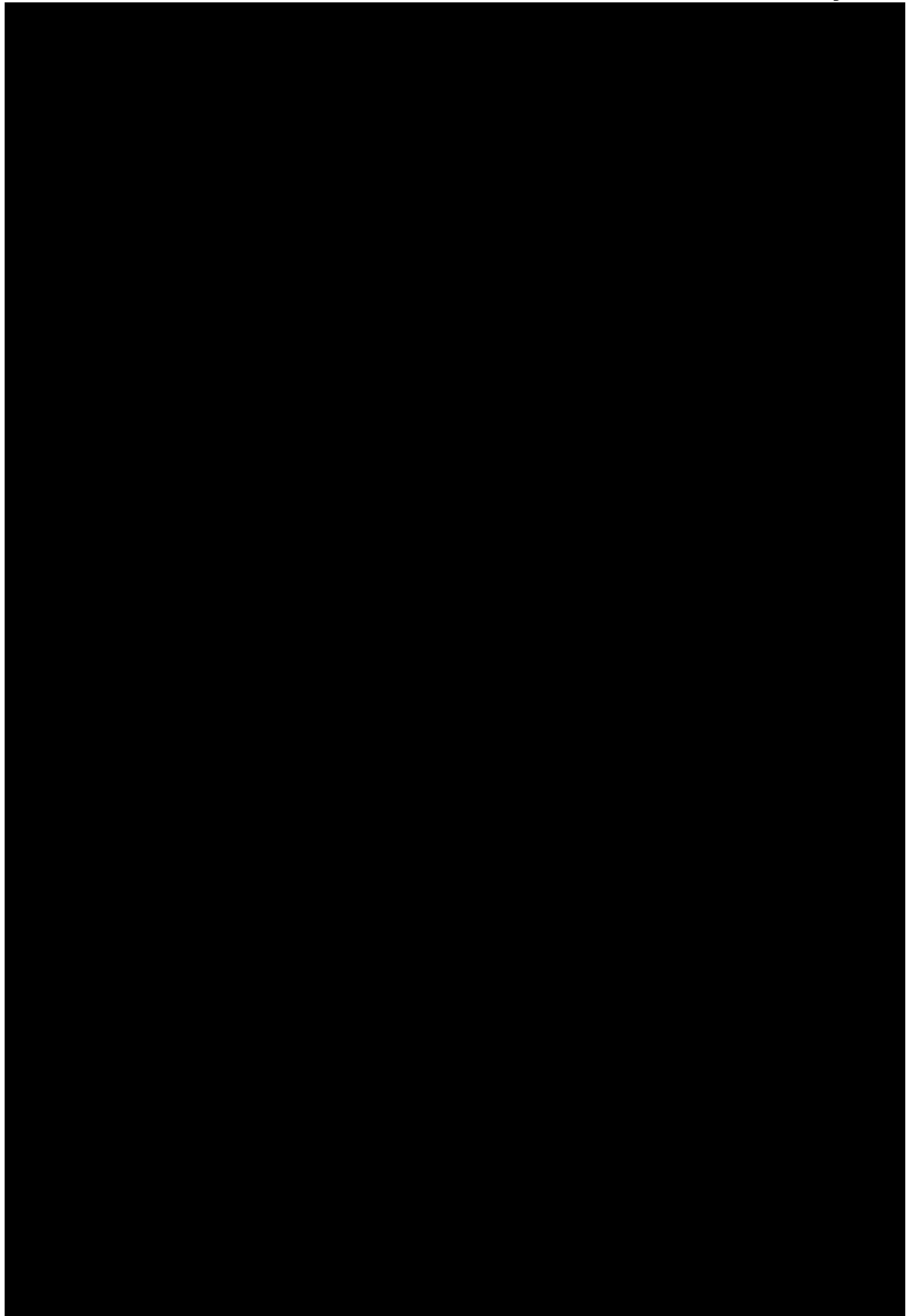
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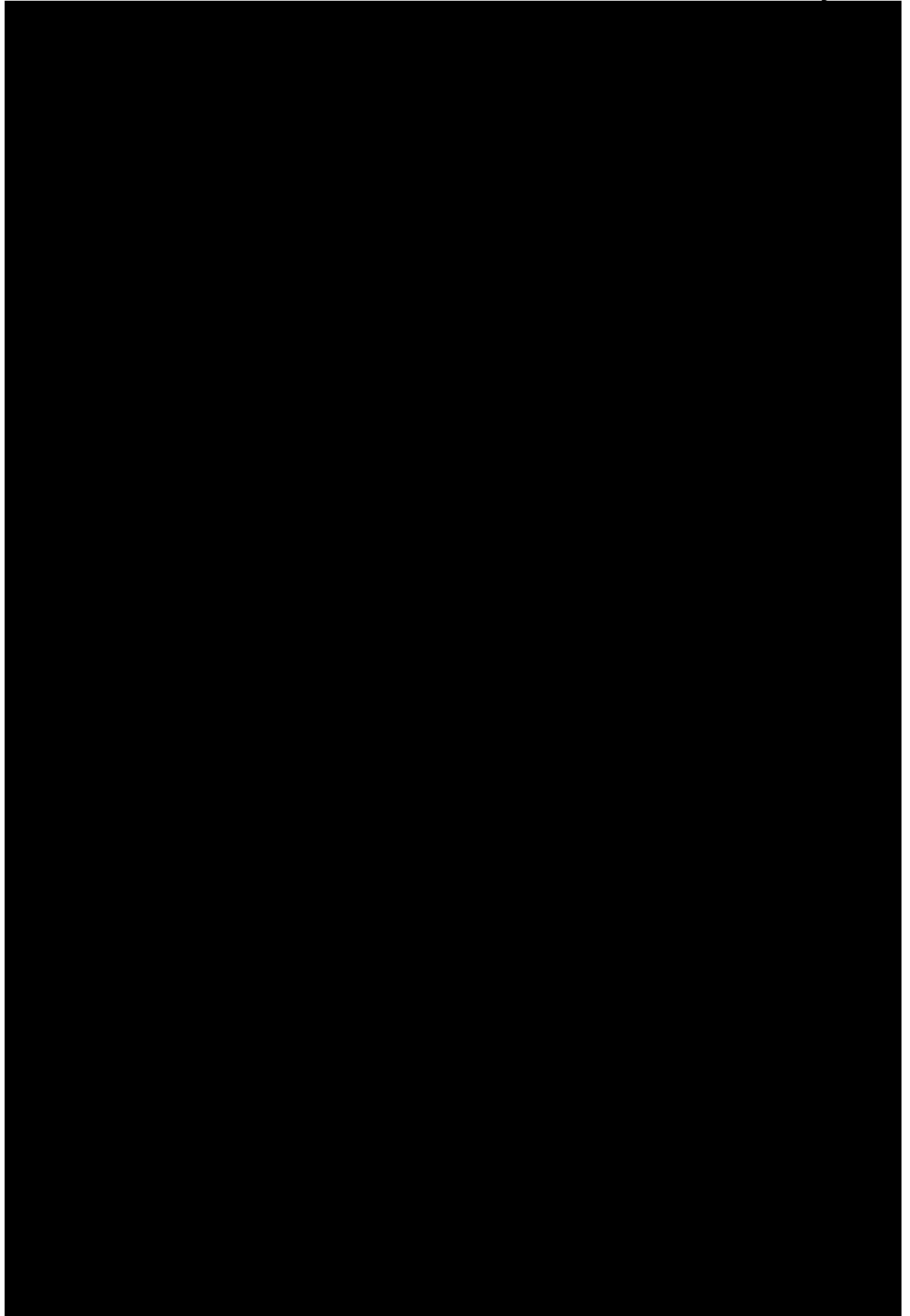
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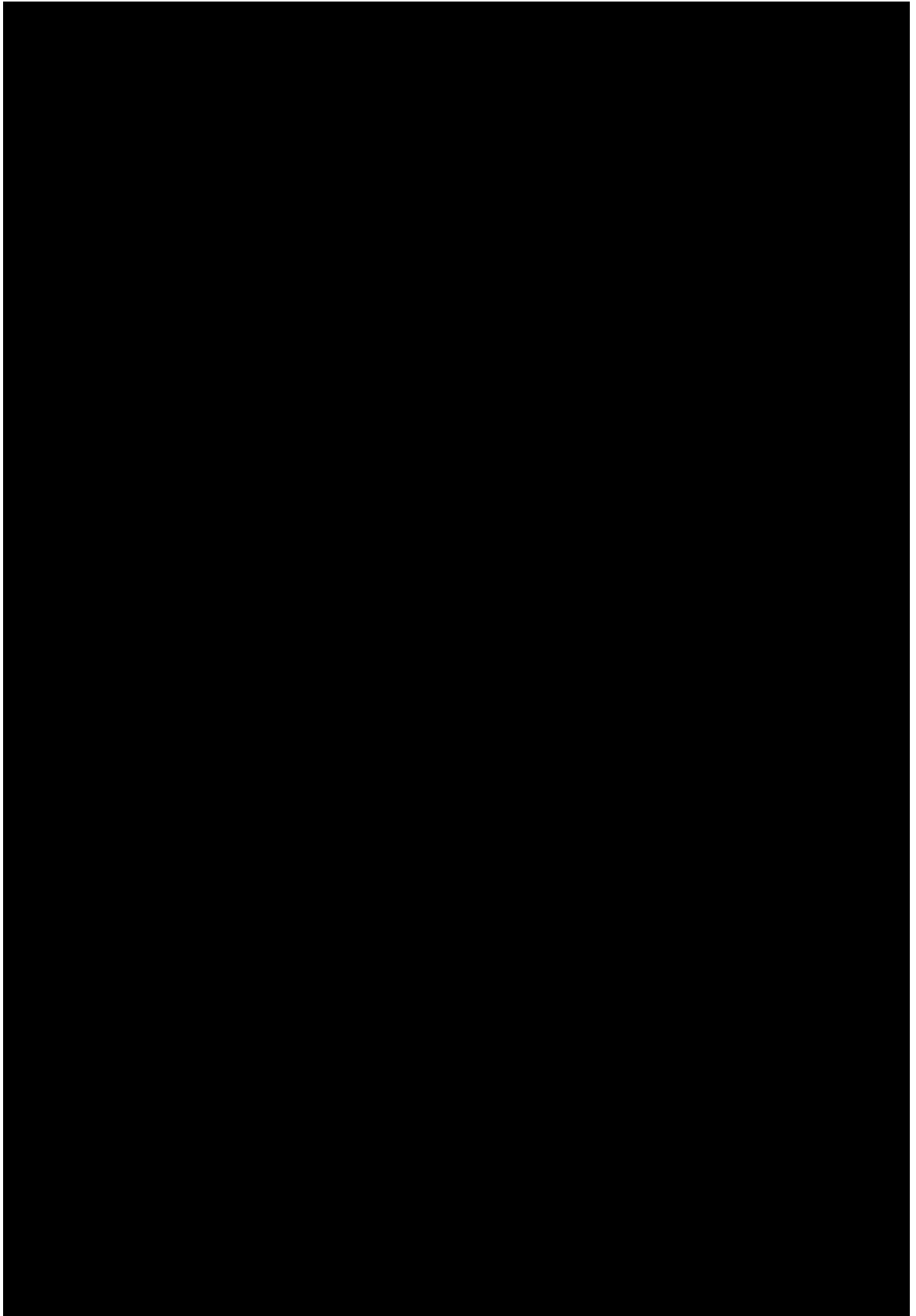
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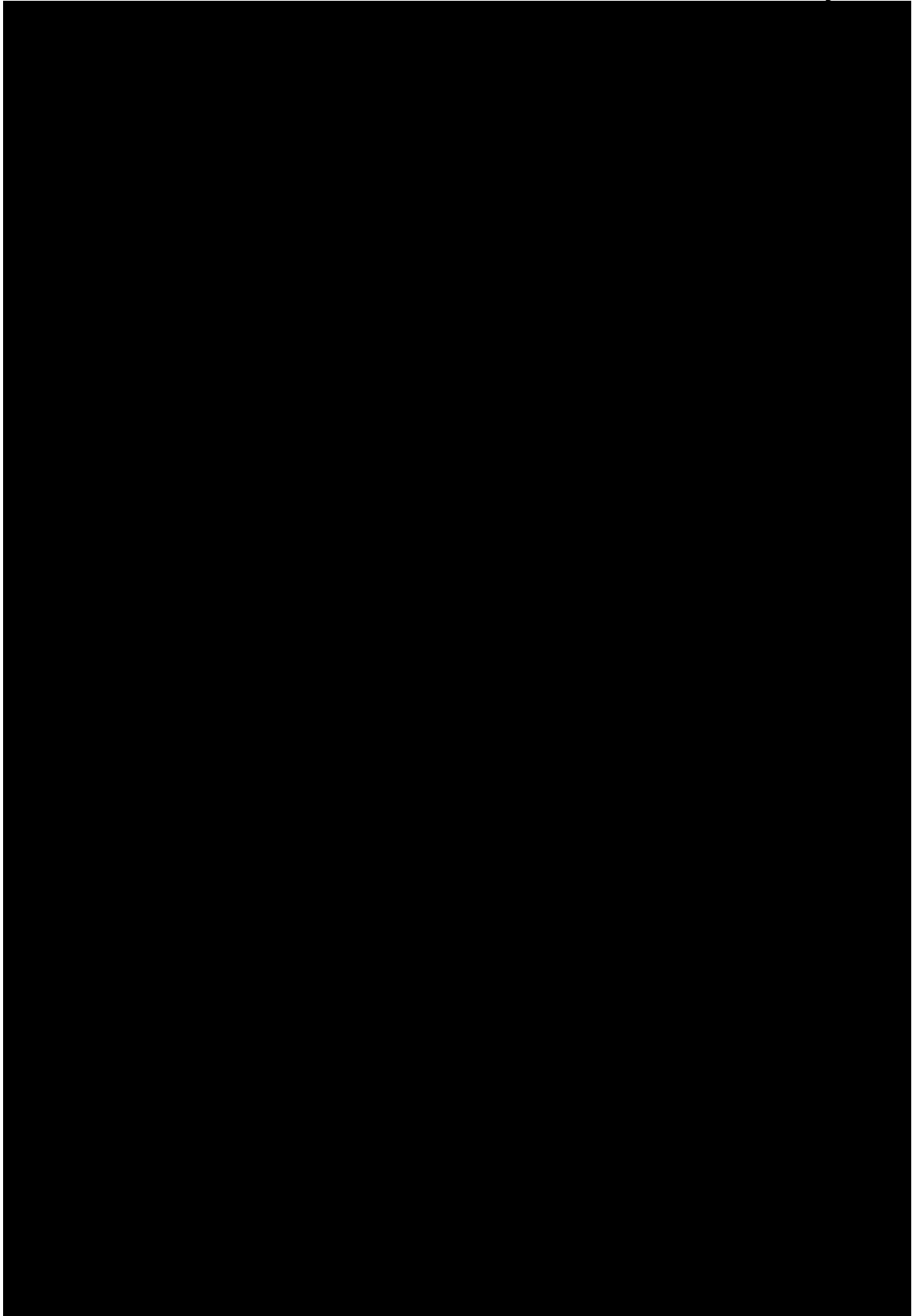
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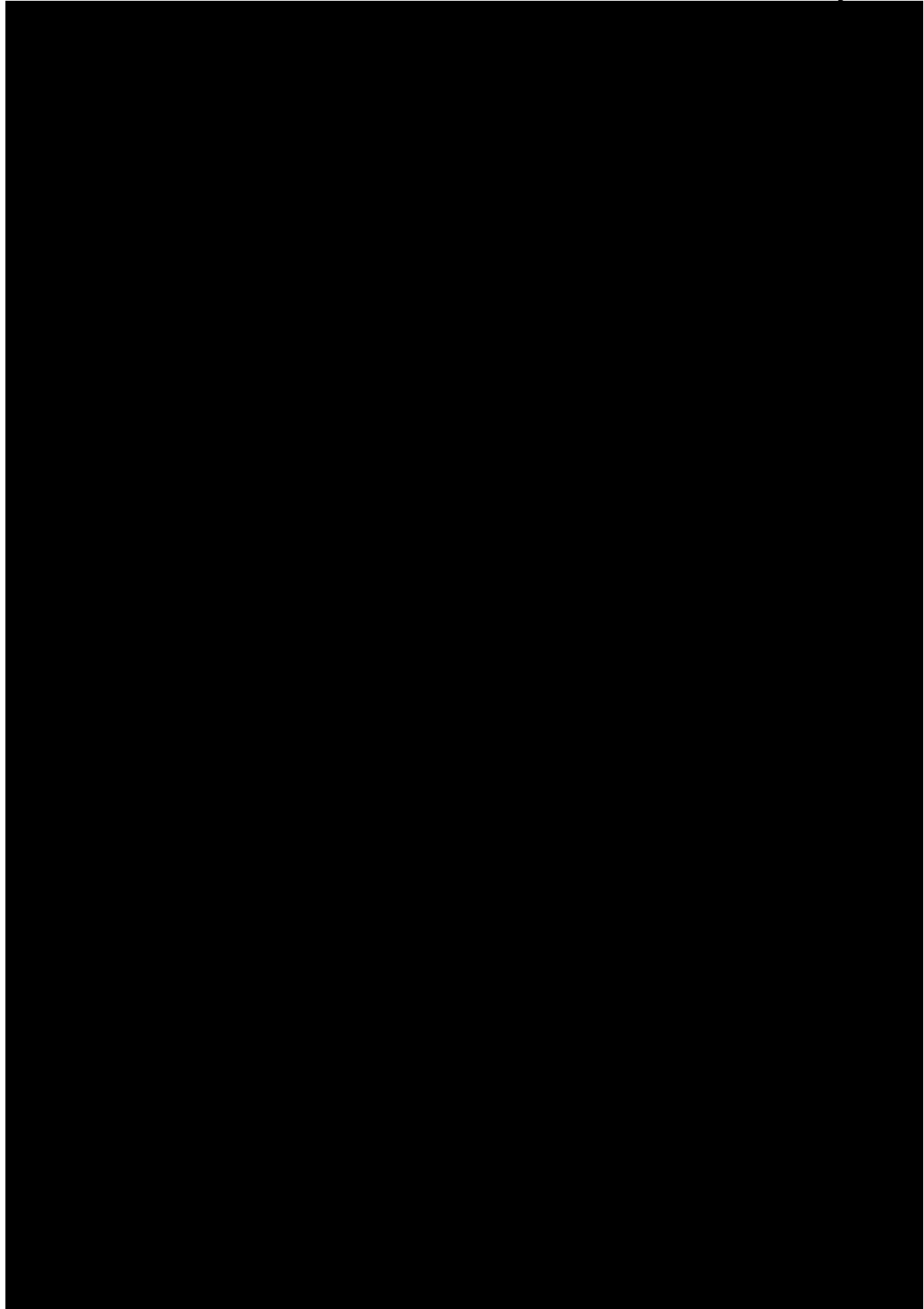
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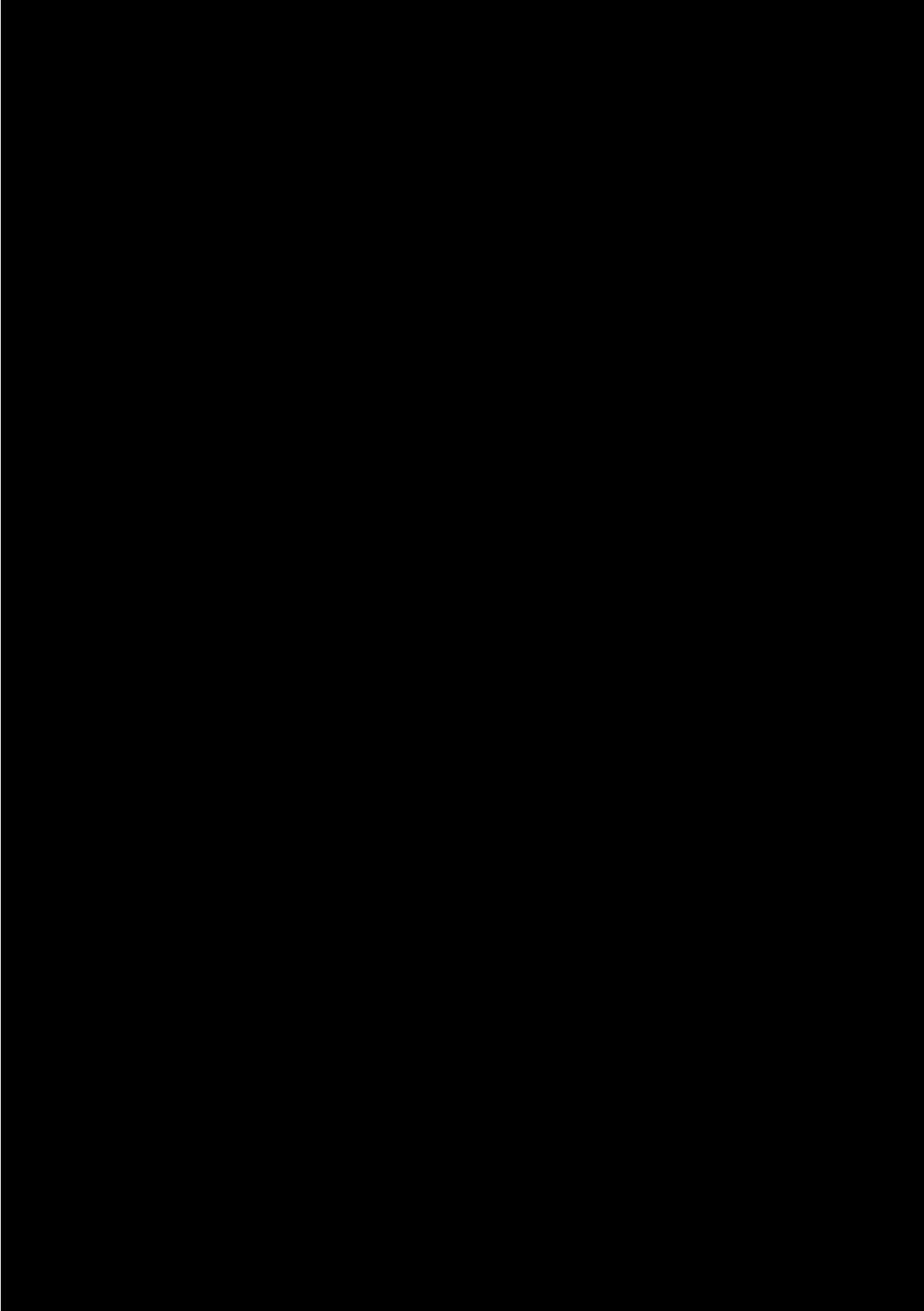
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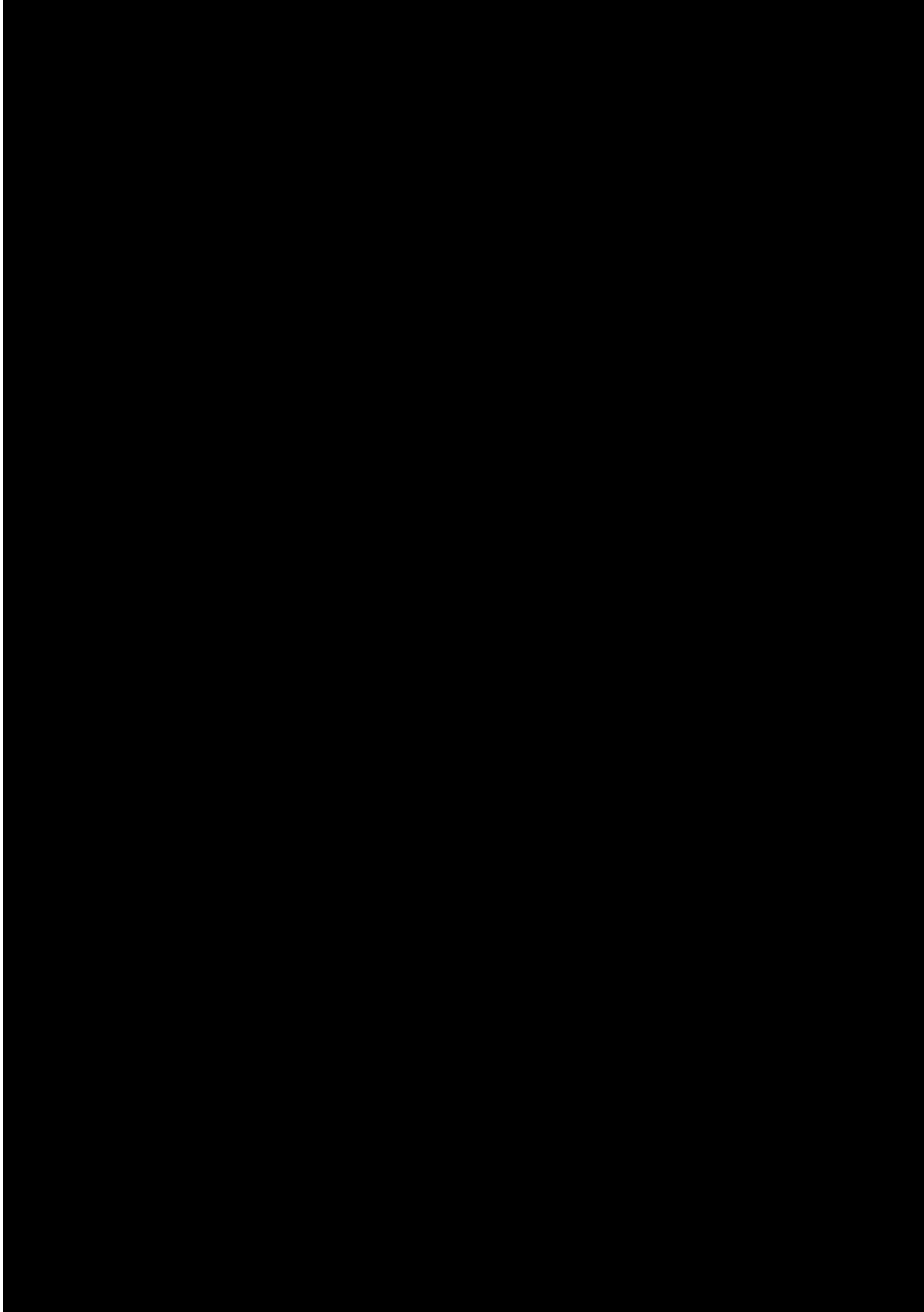
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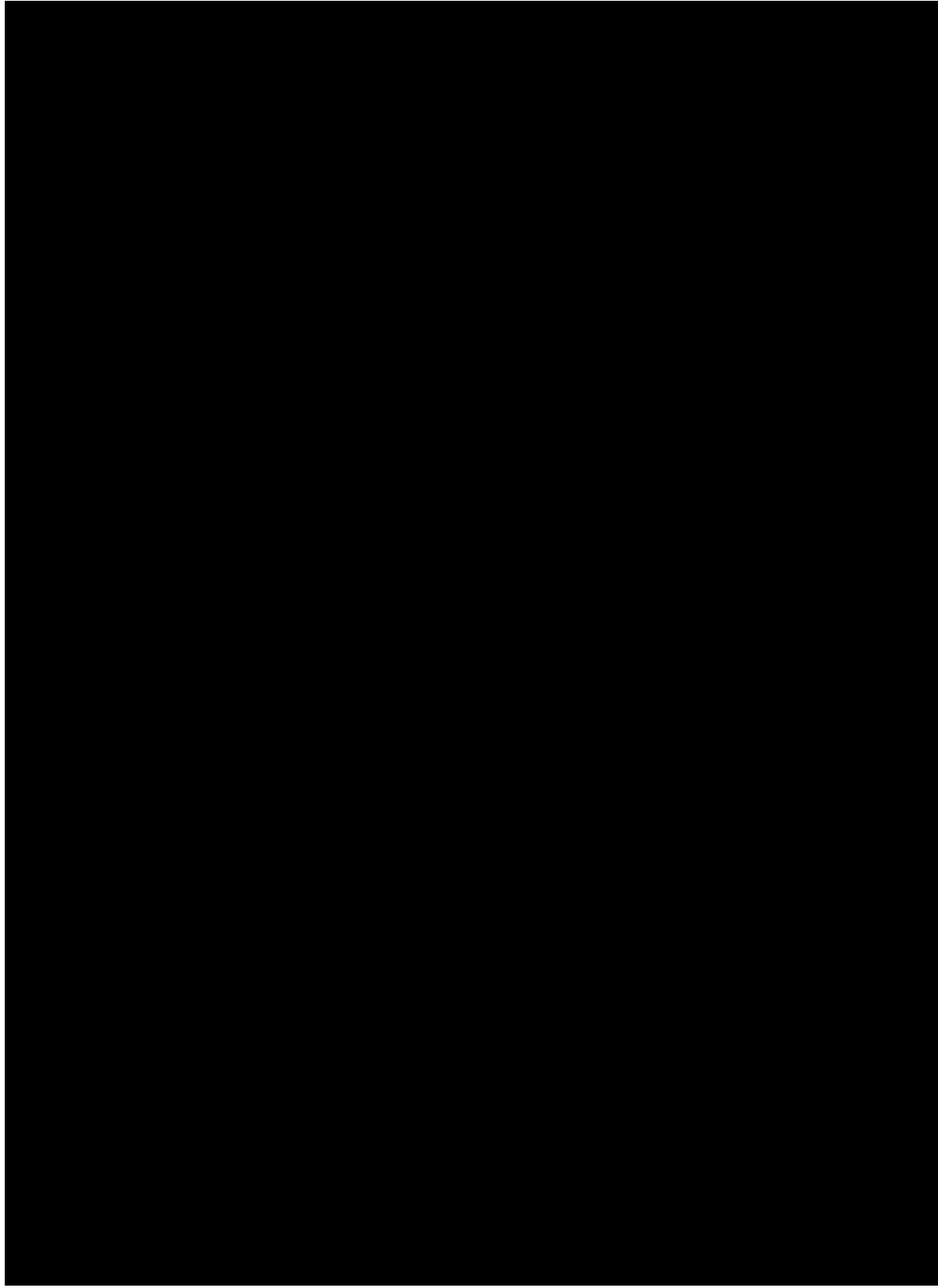
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(Thereupon, a brief discussion was had; after

1 which the following proceedings resumed.)

2 VICE CHAIR BROWN: Okay. Thank you.

3 We are back on the record as well, and we have the
4 public in attendance now. And we are taking up
5 Agenda Item 9 with discussion of consent orders.
6 There are two items.

7 9.1, Ms. Valentine.

8 MS. VALENTINE: As a preliminary
9 matter, I just want to state for the record that
10 the Commissioners are ready to take a vote on items
11 that were discussed at the closed attorney-client
12 session.

13 The first one is Case No. 2022-029882, FGCC
14 versus Marcus Jon Vitali.

15 VICE CHAIR BROWN: Thank you. So we
16 are on that consent order right now. Do we need a
17 brief summary of that, staff?

18 MS. VALENTINE: Yes.

19 VICE CHAIR BROWN: Okay.

20 MS. VALENTINE: Marcus Jon Vitali,
21 the Respondent, seeks to resolve Case No.
22 2022-029982 via settlement in lieu of further
23 litigation. Pursuant to the terms of the proposed
24 settlement, the Commission would agree to withdraw
25 the administrative complaint issued against

1 Respondent and refrain from using the fact of the
2 administrative complaint in future licensure
3 actions.

4 Respondent would agree to refrain from
5 visiting or gaining access to the backside of
6 Gulfstream Park Racing Association, d/b/a
7 Gulfstream Park Racing and Casino, unless permitted
8 by the facility to do so.

9 VICE CHAIR BROWN: Thank you,
10 Ms. Valentine.

11 Commissioners, any questions in support of the
12 stipulation and consent order? And if you all are,
13 can we please get a motion to that effect?

14 COMMISSIONER DRAGO: So moved.

15 VICE CHAIR BROWN: Is there a
16 second?

17 COMMISSIONER REPP: Second.

18 VICE CHAIR BROWN: Any discussions?
19 Seeing none, all those in favor, say aye.

20 (Chorus of ayes)

21 VICE CHAIR BROWN: Passes
22 unanimously.

23 Onto 9.2.

24 MS. VALENTINE: Actually, I
25 apologize. Before Item 9.2, there is a -- the case

1 that was discussed during the attorney-client
2 session, which is a proposed settlement offer from
3 Mr. Donald L. Brown in Case No. 2022-017792, FGCC
4 versus Donald Brown.

5 Respondent, Mr. Brown, seeks to resolve the
6 case via settlement and lieu of further litigation.
7 Pursuant to the terms of the proposed settlement,
8 Respondent permanently relinquishes Florida
9 Pari-Mutuel Wagering Professional Occupational
10 license and waive any rights to contest or appeal
11 the Commission's future denial in the application
12 for licensure that Respondent submits to the
13 Commission.

14 The Commission would agree to not impose a
15 suspension of 380 days, and would agree to not seek
16 the imposition of a penalty in the amount of
17 \$10,500, and then return of the purse in the amount
18 of \$11,320.

19 VICE CHAIR BROWN: Are you asking us
20 to -- since this is not a drafted consent order,
21 are you -- what are you asking us then to approve?

22 MS. VALENTINE: Yes, thank you for
23 clarifying. The direction from the Commission is
24 whether to pursue continued settlement of this
25 matter based on the terms presented in front of

1 you, and to draft the stipulation and consent order
2 for your review and approval at the next Commission
3 meeting.

4 VICE CHAIR BROWN: Thank you.

5 Commissioners, is there a motion to do
6 what Ms. Valentine just said?

7 COMMISSIONER REPP: I'll make a motion.

8 VICE CHAIR BROWN: Is there a
9 second?

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

12 VICE CHAIR BROWN: Any discussion?
13 Seeing none, all those in favor, say aye.

14 (Chorus of ayes)

15 VICE CHAIR BROWN It passes
16 unanimously.

17 Now onto 9.2.

18 MR. KLEIN: Yes, 9.2.

19 VICE CHAIR BROWN: Oh, hi.

20 MR. KLEIN: Hello. I'm trying to
21 get this to not do that.

22 VICE CHAIR BROWN: Oh, let me turn
23 that off.

24 MR. KLEIN.: All right. 9.2 is
25 Kirk M. Ziadie versus Florida Gaming Control

1 Commission. Case No. 2023-057292. Petitioner
2 Ziadie seeks to resolve the case via settlement in
3 lieu of further litigation of the Commission's
4 intent to deny his application for licensure based
5 on prior violations of Chapter 550 Florida
6 statutes.

7 Pursuant to the terms of the proposed
8 settlement, Petitioner would withdraw his
9 application for a Pari-Mutuel Wagering Professional
10 Individual Occupational license without prejudice,
11 and the Commission would agree to withdraw its
12 letter of license denied.

13 VICE CHAIR BROWN: Thank you.
14 Commissioners, any questions on this item?
15 Assuming that the Applicant can come back and apply
16 with the Commission at a later time?

17 MR. KLEIN. ESQ.: He can, yes. And if
18 there are any questions on the history of this, I
19 can answer them. I just didn't want to --

20 VICE CHAIR BROWN: Thank you.

21 MR. KLEIN: -- forego that.

22 VICE CHAIR BROWN: Appreciate that.

23 Any questions? If not, can we get a motion to
24 approve the proposed consent order and settlement?

25 COMMISSIONER DRAGO: So moved.

1 VICE CHAIR BROWN: Is there a
2 second?

3 COMMISSIONER REPP: Second.

4 VICE CHAIR BROWN: Any discussion?
5 Would all those in favor, say aye?

6 (Chorus of ayes)

7 VICE CHAIR BROWN: Thank you. 9.2
8 passes.

9 Are there any other items that we need to take
10 up, other matters that Commissioners have, or that
11 staff has?

12 Seeing none, this meeting is adjourned. Thank
13 you.

14 (Meeting concluded at 11:45 a.m.)

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1 CERTIFICATE OF REPORTER

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3 STATE OF FLORIDA

4 COUNTY OF BROWARD

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6 I, STELLA KIM, Court Reporter and Notary
7 Public for the State of Florida, do hereby certify that
8 I was authorized to, and did stenographically report
9 and transcribe the foregoing proceedings, and that the
10 transcript is a true and complete record of my
11 stenographic notes.

12 I further certify that I am not a relative,
13 employee, attorney, or counsel of any of the parties,
14 nor am I a relative or employee of any of the parties'
15 attorney or counsel connected with the action, nor am I
16 financially interested in the action.

17 Dated this 14th day of May, 2024.

18

19 *Stella Kim*

20

21 _____
STELLA KIM, COURT REPORTER
22 NOTARY PUBLIC, STATE OF FLORIDA
Commission No: FF 018987
Commission Exp: 05/19/2025

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