

Florida Gaming Control Commission

October 05, 2023



FLORIDA GAMING CONTROL COMMISSION

LOCATION: TELEPHONIC

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Thursday, October 5, 2023

9:30 a.m. - 10:48 a.m.

BEFORE: Commissioner Julie I. Brown
Commissioner Charles Drago
Commissioner John D'Aquila
Commissioner Tina Repp

Stenographically Reported By:
I. Iris Cooper
Stenographic Reporter

Job No.: 319736

1 APPEARANCES: (Appearing telephonically)

2

COMMISSION MEMBERS:

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Commissioner Julie I. Brown

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Commissioner Charles Drago

Commissioner John D'Aquila

5

Commissioner Tina Repp

6

Executive Director, Louis Trombetta

7

8

SPEAKERS:

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Item 1: Kimberly Ferree, Chief Auditing Officer

10

Items 2-4: Jamie Pouncey, Program Administrator

11

Items 5-8: Emily Alvarado, Deputy Chief Attorney

12

Item 9: Steven Woods, Attorney Supervisor

13

Items 10-11: Louis Trombetta, Executive Director

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15

OTHERS PRESENT:

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- Various Members of the Public

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- The Florida Channel

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

2 VICE CHAIR BROWN: Good morning. Today is
3 October 5th. The time is 9:30. This is the
4 Florida Gaming Control Commission's October
5 meeting.

6 And if you would like, please join me with the
7 Pledge of Allegiance, which will be led by
8 Commissioner D'Aquila.

9 (Pledge of Allegiance.)

10 VICE CHAIR BROWN: Thank you, Commissioner
11 D'Aquila. All right. We're going to just jump
12 right into the agenda today. Our first item is the
13 discussion of Florida Thoroughbred Breeders' and
14 Owners' Association annual plan. We also have a
15 speaker.

16 But first, we'll just turn to our staff to
17 introduce the item, please.

18 MS. FERREE: Good morning. As you have just
19 previously introduced, we're going to talk about
20 the Florida Thoroughbred Breeders' and Owners'
21 Association annual plan, which is in your packet
22 there.

23 They're required annually to file this plan,
24 and it has to be filed within 60 days of their
25 annual payment plan. They're on a calendar fiscal

1 year. They submitted the plans on September the
2 5th, which is 118 days prior to the beginning of
3 their payment plan, so they timely filed it.

4 There's a rubrics, which is called a checklist
5 in your materials where we compare the statutory
6 requirements with the plan that's filed. It meets
7 the requirements that are listed. So I'm here to
8 answer any further questions you may have.

9 VICE CHAIR BROWN: Thank you so much. Before
10 we get to the speaker, does anybody have any
11 questions for staff?

12 Thank you for the introduction.

13 With that, we've got Mr. Lonny Powell, CEO of
14 FTBOA. Welcome back.

15 MR. POWELL: Thank you, Madam Chair.
16 Commissioners, it's good to be back. It's good to
17 be here to convey good news, which in your Miami
18 workshop, I had anticipated we might have good news
19 to talk about it sometime, but we weren't all the
20 way there.

21 And now thanks to a lot of people, we were
22 able to get there. I will note, our CFO, Peggy
23 Yost, asked to be put on the same speaker slip, in
24 case there's going to be any questions needed of
25 her or comments or so forth.

1 Thank you for having us. This is an annual
2 submission, our second in front of the Gaming
3 Commission. I think what's really exciting about
4 this one is if you approve this, this will be the
5 most robust, the most lucrative breeding and
6 stallion awards program in the 75-year history of
7 breeders and stallion awards in my organization's
8 history.

9 So that's an exciting thing. That's a big
10 deal. We have to be totally focused on the fact
11 that it would not have been possible at all without
12 the passage of HB 7063.

13 Because approximately what makes this plan
14 different from plans in the past is the way 24 is
15 being handled is 50 percent of the money that's
16 coming from Statute 550 funds, the funds you
17 normally make in the decision of this plan, and the
18 other 50 percent by legislative design is coming
19 from the money that's from the Department of
20 Agriculture.

21 I will advise that the Department of
22 Agriculture and myself concluded the fully-executed
23 contract on the \$10 million as of yesterday, so
24 they have approved their 50 percent, and I'm here
25 talking to you about the other.

1 But forgive me if I talk to them collectively
2 because ultimately to the breeders out there and
3 the owners, the money is the money. The plan
4 before you, Ms. Kimberly advised you, checks off
5 all of the statutory boxes.

6 Again, what makes it different is the way the
7 funding happens. This year, it's a 50/50 blend.
8 Next year in '25, it may be a 60/40 blend. It just
9 depends. We're trying to manage both of the
10 accounts.

11 As you can see, it leads to an incredible
12 increase in breeders awards, and we're anticipating
13 about a 50 percent increase in breeders awards,
14 payments in '24 over this year. That's a very big
15 deal.

16 On the racing side, which we're not really
17 here to talk about, but to tell you what that
18 legislation did and because Florida breders are
19 involved in a big part of it, just to show you the
20 impact on the racing side that legislation is going
21 to have -- and I'm just talking about for Florida
22 breders.

23 Florida bred thoroughbreds and Gulfstream in
24 '24 are going to be running for approximately 90
25 percent more money than was offered this year. At

1 Tampa, it's going to be worth 50 percent more money
2 that Florida breders will be running for.

3 By the way, Florida breders win 40 percent of
4 all the races. They earn 40 percent of the purses,
5 40 percent of the starters. And of those Florida
6 breders, 73 percent of them are sired by Florida
7 stallions.

8 So the tracks in this state are very dependent
9 on each other, and that's why something like the
10 year-round racing circuit and no wholesale
11 elimination of live racing dates is still important
12 because no matter what our awards are, the purses,
13 if you don't have enough live dates to make people
14 to want to race here, none of this makes any
15 difference.

16 But going back to the way things are and with
17 this plan, this is I think a plan that is going to
18 make a lot of the breeders happy. Because our new
19 funding exists for two years, I don't think it
20 brings true stability to racing or breeding, but
21 it's a heck of a start.

22 For those that said what we achieved at this
23 last session was a Band-Aid, I say I'd rather take
24 a Band-Aid than multiple amputations, and Band-Aids
25 help you get better.

1 To be truthful, we started working on the
2 future years and what we're going to do after those
3 two years, you know, yesterday and the day before
4 because that's what we always do.

5 But getting back to the plan before you, we
6 are here to answer any questions. We certainly
7 hope that you may approve so we can advise our
8 membership. Again, none of it would have happened
9 without the passage of that legislation.

10 We will always be very grateful to President
11 Passidomo, Speaker Renner, obviously the governor
12 for signing it, and then all those that did a lot
13 of the spade work like Representative Stan McClain
14 and a number of others.

15 So that's my overall presentation. Again,
16 this will be the biggest award. We've done 20
17 percent a number of years ago when Calder was still
18 around and some of the things that have happened in
19 this industry hadn't happened.

20 But we didn't make any other adjustments
21 within the caps of the payout up to different
22 categories. The reason why this one is most
23 lucrative, not only does it have the top statute 20
24 percent, it has adjustments allowing for more money
25 to be made in races by breeders by raising the

1 caps.

2 Otherwise, it's pretty much the same plan. So
3 I'd be more than happy to answer any questions or
4 if you would like to hear from our CFO, Peggy Yost,
5 or if she needs to answer any questions. But
6 that's the general presentation.

7 VICE CHAIR BROWN: Thank you, Mr. Powell. And
8 I have to first compliment you with such a thorough
9 award proposal in your letter summarizing the key
10 points were just spot on and very helpful in then
11 reviewing the plan.

12 So it is exciting that this program is going
13 to keep Florida competitive and the industry
14 competitive, so hats off to you for all the work
15 that you and your team did on getting that
16 legislation passed.

17 MR. POWELL: Thank you very much. By the way,
18 I want to say something that is pretty interesting,
19 too, that's a credit to you all just in general
20 what you do.

21 You know, I used to do what you do for a
22 living. I've been a longtime regulator, and you
23 can do business like you all do and still be
24 supportive of the industry and want to see it do
25 good.

1 And since this Gaming Commission has come
2 together, I will tell you, it's a feeling that's
3 across the country I'm not used to, but I like what
4 you do there.

5 Even if we don't agree on some things, I like
6 the way that you all seem to very much want to see
7 what you're regulating still be in existence more
8 than just to regulate, just because it has a
9 purpose.

10 So I'm sorry to get tangential there, but you
11 reminded me of something I was just telling my
12 folks last night over dinner. So I like the
13 Commission's approach to how they look at the
14 industry they regulate.

15 VICE CHAIR BROWN: Thank you very much.
16 You've warmed us up very well, so thank you.

17 Commissioner D'Aquila.

18 COMMISSIONER D'AQUILA: Sir, can you share the
19 amount of the money that's coming from the
20 Department of Agriculture beginning in the calendar
21 year 2024?

22 MR. POWELL: Sure. The Department of
23 Agriculture became the holding agency for our money
24 created in the legislation. And now with the
25 release of that money as per the legislation,

1 \$5 million each over the next two years will be put
2 in towards breeders and stallion awards.

3 And obviously the purse components and so
4 forth, they kick in over the two years. Because
5 right now, we're looking at, even though we have to
6 come to you for approval each year for the plan,
7 this is a two-year vision, right, because the
8 legislative money is for two years.

9 So \$5 million each of '24 and '25 will go
10 towards the breeders stallion awards and the
11 general breeders and mounters. And then on top of
12 that, the tracks are supposed to race purses with
13 this. That raises breeders awards.

14 We don't know what Gulfstream is going to be
15 doing. We can see Tampa did a great job with what
16 they're doing with that new money so far.

17 So it's really tough for us to absolutely say
18 how high the awards will go until you know what the
19 purse structure is going to be like at Gulfstream,
20 but that is the money. It's \$5 million each of the
21 two years.

22 COMMISSIONER D'AQUILA: Could there be an
23 instance where Florida horses are not doing as well
24 that awards are not distributed and go the
25 following year, or they'll all be distributed based

1 on --

2 MR. POWELL: Well, they way that -- they way
3 that -- if I understand, Commissioner, Madam Chair,
4 the question the way -- the way you put it, the
5 money is right now the way the legislation was is a
6 must spend by the end of the second year.

7 So you might see, depending on how -- now, I
8 don't expect us to win less than 40 percent of the
9 races. I think we're going to probably win more.
10 But if, let's say, the performance wasn't there,
11 you're going to see even higher.

12 You know, we do a lot of other things. We
13 bonus. We do all kinds of other things to enhance
14 Florida-bred participation. Twenty-five -- here's
15 my dream. Twenty-five and becoming an even more
16 aggressive plan, and then I'm going to be able to
17 tell you about -- let's see. What time of year is
18 it.

19 I'm going to tell you about the legislation we
20 got passed this session that we're about to face,
21 and that will add to future years of discussion on
22 what we're doing because obviously two years does
23 not a stable future make.

24 But again, it gets us to the launching pad.
25 I'm hopeful we'll have even more things to talk

1 about a year from now when I'm talking about the 25
2 plan. In addition to answering the core of your
3 question and wandering all over, did I hit there
4 what you were looking for?

5 COMMISSIONER D'AQUILA: Yes. I think the
6 answer, as I understand it, is that if there is a
7 residual, it will be permitted to be rolled into
8 year two.

9 MR. POWELL: Yes. And right now, year two
10 can't be moved forward because it was a two-year
11 legislation. Now, that might change. But if we
12 have additional things going on that may help in
13 future years, I just assume it be a transitional
14 thing with no real noticeable difference, yes.

15 COMMISSIONER D'AQUILA: That was my question.
16 Thank you.

17 MR. POWELL: You know, I did this with the CEO
18 over at -- are you okay? Okay. Yes.

19 VICE CHAIR BROWN: Commissioners, do you have
20 any questions for Mr. Powell? I do want to just
21 mention that the projected expenses continue to go
22 down. Again, I appreciate that. I wanted to get
23 maybe some further clarity on how you are going to
24 strive to get those expenses down?

25 MR. POWELL: Expenses, I'm trying to put that

1 into perspective. On the plan?

2 VICE CHAIR BROWN: For December 31, 2024, the
3 total expenses are the awards stakes program and 10
4 percent admin promo fee.

5 MR. POWELL: Right. Do you understand the
6 question, Peggy? This will give me a reason to
7 have her come up.

8 VICE CHAIR BROWN: It's always great to have
9 an accountant nearby.

10 MR. POWELL: Yes. Peggy Yost, our CFO who
11 makes me look good all the time.

12 MS. YOST: Thank you, Madam Chair,
13 Commissioners. If I understand the question
14 correctly, the expenses for 2023 versus 2024, it is
15 a little bit more complicated because 50/50 is
16 being paid out of the House Bill 7063 and 50
17 percent out of 550.

18 And if you look at the breeders and our
19 stallion award expenses for 2023 projected, they're
20 about \$5.2 million. And then there's also stakes
21 payments in there as well.

22 Going forward, if you look at 50 percent of
23 the \$5.2 million at 15 percent, that amounts to
24 \$2.6 million. And then there is another \$1.6
25 million in additional breeders awards that will be

1 paid out due to purse increases and other things,
2 such as the increase in the cap.

3 Our 50 percent of that would amount to about
4 \$75,000. Just going from 15 to 20 percent increase
5 in the breeder and stallion awards amounts to a
6 total of \$1.6 million a year, which half of that
7 obviously is \$800,000 that would be an expense to
8 us.

9 In addition, the tri-party agreements
10 increased by \$2.05 million, which increases
11 breeders and stallion awards as well. So our 50
12 percent of that would be about \$200,000. And what
13 that did was last year, our FBIF FTBOAs portion was
14 \$450,000.

15 This year through the tri-party agreement, the
16 amount that Gulfstream Park alone is putting in is
17 \$1.8 million. So that increase alone increases
18 breeders and stallion awards as well. We have also
19 projected that the amounts that the tracks are
20 getting from the House Bill 7063 Gulfstream Park's
21 \$15 million, a lot of that is supposed to go
22 towards purses.

23 So in our projections, we have included 50
24 percent of that to go to increase purses, and we've
25 also included \$5 million from Tampa Bay to go to

1 purses as well, which is a total of \$12.5 million.

2 And at the rate that our Florida breders are
3 winning at the 40 percent, that would increase the
4 expense to breeders and stallion awards of
5 \$500,000.

6 So the total increase over the 50 percent of
7 the breeders awards that are projected to be paid
8 out by the end of 2023 is an additional \$1.6
9 million.

10 In addition to that, the stakes payments for
11 the upcoming year projected because the \$450,000
12 that was FTBOA's responsibility for the FBIF has
13 now moved over to \$1.8 million that is totally
14 going to be funded by Gulfstream Park. That will
15 reduce our expenses another \$450,000.

16 So therefore, you can see the swing from a
17 projected deficit of about \$650,000 at the end of
18 this year to a profit of \$800,000.

19 VICE CHAIR BROWN: That's excellent
20 clarification. Thank you for being thorough.

21 Commissioner D'Aquila.

22 COMMISSIONER D'AQUILA: So if I understand
23 correctly your presentation, the projected 2024
24 total expenses of awards, stakes programs, admin
25 fee, and promo fee of \$6.42 million does not

1 include expenses that are related to the money
2 coming from -- or the expenses getting covered
3 by -- or coming from through the Department of
4 Agriculture?

5 MS. YOST: That is correct. That is strictly
6 550.

7 COMMISSIONER D'AQUILA: And that is why we're
8 not seeing -- we're seeing the increase in
9 projected revenue, but the drastic increase in
10 expenses, which always raises eyebrows.

11 MS. YOST: That is correct.

12 COMMISSIONER D'AQUILA: I've read the audited
13 financial statements prepared by your auditors for
14 the 2022 year. I believe that when you work with
15 your auditors for 2024, you will include all that
16 information in the notes for the financial
17 statements?

18 MS. YOST: Yes, sir.

19 COMMISSIONER D'AQUILA: Explaining all the
20 uses of proceeds as it pertains to that a little
21 bit differently than this presentation?

22 MS. YOST: Absolutely.

23 COMMISSIONER D'AQUILA: I understand the
24 timing and so forth of when this was submitted. I
25 think you had mentioned you had just received

1 approval this week?

2 MR. POWELL: Executed agreement.

3 COMMISSIONER D'AQUILA: Executed agreement.

4 MR. POWELL: We had the approval. We needed
5 the agreements.

6 COMMISSIONER D'AQUILA: If I may ask one more
7 question. Has your management team discussed a
8 contingency plan in the event that this is not
9 renewed at the conclusion of two years?

10 This is all wonderful news. But then when an
11 organization gets accustomed to such good news, if
12 things should turn, do you have a plan in place
13 specifically referring to the year 2026 or --

14 MR. POWELL: You know, in our industry I've
15 been in all my life, you always have backups for
16 everything. Because first of all, you can't
17 control some of the things, and also sometimes what
18 people say is not actually what they do. That's
19 the plain, hard facts.

20 Oh, yeah, just like it looked like there was
21 not going to be any tri-parties successfully
22 negotiated this year, just like we had a backup
23 plan for that because we're not going to sit and
24 stop the industry just because folks aren't ready
25 to sign something.

1 And we have backup plans for if the year 2025
2 is the last year of the funding and we've achieved
3 no new legislation at that point in time, yes, we
4 do. This actually gives us some flexibility to be
5 able to handle that second year a little better.

6 But we would have to be deeply involved in
7 getting successful future legislation because as
8 you all noted last year during our first
9 application, you know, we were doing the ultimate
10 for a non-profit. The auditors always love it.

11 We were spending more money on awards than we
12 were bringing in for ourselves, so we did that.
13 You can't sustain that forever, but I was glad we
14 were able to do it for the industry.

15 This year without that legislation, I would
16 have been standing before you in all likelihood
17 saying we had to go 10 percent below statute, and
18 you had the ability to approve that.

19 And there were going to be a lot of various
20 concerns I was going to make you aware of in my
21 presentation. That's how much the successful
22 legislation that we were the ones that led and
23 facilitated, that's how much of a difference it
24 made.

25 And because of our nature -- at least my

1 nature, and those folks can all tell you,
2 especially Matt, our lobbyist, is the day we got it
3 passed, the first thing I asked is what are we
4 going to do for '26? We got to get on '26. That's
5 the way we do things.

6 And then also, you go conservative. If it's
7 not a certainty what '26 looks like, as I'm in
8 front of you a year from now, it's going to be a
9 more conservative plan. But yeah, backups on top
10 of backups.

11 In this business no matter where you are in
12 this country no matter how great things are going,
13 if you don't have a bunch of backups, you're in
14 trouble because things just change so much.

15 And by the way, it's been fun talking in front
16 of you. This is my first time, I think, other than
17 the workshop.

18 VICE CHAIR BROWN: Thank you.

19 MR. POWELL: Thank you.

20 VICE CHAIR BROWN: Thank you so much. I
21 appreciate it.

22 Commissioners, is there any discussion on the
23 program? If not, I'm ready for a motion to
24 approve.

25 COMMISSIONER D'AQUILA: Motion to approve the

1 program as presented.

2 VICE CHAIR BROWN: Is there a second?

3 COMMISSIONER DRAGO: Second.

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

6 (Multiple ayes.)

7 VICE CHAIR BROWN: It passes unanimously.

8 Also I did want to note, we do have our court
9 reporter, I believe, on the phone. So just for the
10 record to make sure everyone is clear speaking so
11 that she can transcribe the record pretty clearly
12 today.

13 All right. We're going to move on to Item
14 2.1. Ms. Pouncey.

15 MS. POUNCEY: Good morning. Jamie Pouncey for
16 the Division of Pari-Mutuel Wagering. Item 2.1 is
17 Case No. 2023-048899, South Marion Real Estate
18 Holdings requesting to add additional cardroom
19 tables.

20 South Marion possesses a quarter horse permit,
21 was issued an operational license and cardroom
22 license for the 2023-2024 fiscal year. They are
23 currently licensed to operate 31 tables and is
24 requesting permission to add four more tables to
25 its cardroom.

1 They have paid the \$1,000-per-table fee. No
2 other restrictions on the number of card tables
3 that they can have, and the Division is
4 recommending approval of their request to add
5 additional tables.

6 VICE CHAIR BROWN: Thank you, Ms. Pouncey.
7 This is a straightforward item. Can I get a motion
8 to approve the request to add additional card
9 tables?

10 COMMISSIONER D'AQUILA: Motion to approve.

11 VICE CHAIR BROWN: Is there a second?

12 COMMISSIONER REPP: Second.

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

15 (Multiple ayes.)

16 VICE CHAIR BROWN: Thank you, and thank you
17 for your work on this. Item No. 3.1.

18 MS. POUNCEY: Permission to combine 3.1 and
19 3.2?

20 VICE CHAIR BROWN: That would be great. Thank
21 you.

22 MS. POUNCEY: Yes, ma'am. 3.1 is Gulfstream
23 Park Racing Association, Case No. 2023-051743.

24 Item No. 3.2 is Gulfstream Park Thoroughbred
25 After Racing Program, Case No. 2023-051759. Both

1 of these are requesting to amend their operating
2 dates.

3 Gulfstream Park, Item No. 3.1, is requesting
4 to cancel 9 thoroughbred performances and add 2
5 performances. They're currently licensed for 169
6 performances. 164 of those are matinees, and 5 are
7 charities.

8 In canceling those 9 performances and adding
9 2, it will become a total of 162 performances, 157
10 matinees and 5 charities will be its new schedule.

11 In addition to submitting a completed
12 application, they satisfied all their requirements
13 requesting to amend less than 49 percent of their
14 performances for the total year.

15 We are recommending approval.

16 In Item No. 3.2, it's Gulfstream Park
17 Thoroughbred After Racing Program. They have also
18 requested to amend their dates by canceling 5
19 thoroughbred performances and adding 5
20 performances. They currently have 40 performances,
21 35 matinees, and 5 charities.

22 In canceling the 5 and adding the 5, they will
23 remain with 40 performances, 35 of those matinee
24 and 5 charity. They have satisfied their
25 requirements requesting less than 49 percent of

1 their total performances from the current license.

2 The Division is recommending approval of both
3 these requests to amend.

4 VICE CHAIR BROWN: Thank you.

5 Commissioners, are there any questions on 3.1
6 or 3.2? If not, can we get a combined motion to
7 approve the staff recommendation?

8 COMMISSIONER DRAGO: So moved.

9 VICE CHAIR BROWN: Is there a second?

10 COMMISSIONER D'AQUILA: Second.

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

13 (Multiple ayes.)

14 VICE CHAIR BROWN: Thank you. The two items
15 pass unanimously. All right. Item 4.1, please.

16 MS. POUNCEY: Item No. 4.1 is Gulfstream Park
17 Racing Association, Case No. 2023-048253. This is
18 Gulfstream Park's request to renew their annual
19 slot machine license. Gulfstream Park is
20 authorized in Miami-Dade -- excuse me.

21 Slot machine gaming is authorized in
22 Miami-Dade and Broward County's pari-mutuel
23 facilities. Gulfstream Park is located in Broward
24 County and possesses a valid thoroughbred permit.

25 We received their application to renew their

1 license August 4, 2023. The required documentation
2 has been submitted, along with the application fee.

3 The Division is recommending approval of their
4 slot machine license effective October 13, 2023
5 valid through October 12, 2024.

6 VICE CHAIR BROWN: Thank you for that summary.

7 Commissioners, any questions on this item?

8 If not, can we get a motion to approve renewal for
9 the slot machine license?

10 COMMISSIONER DRAGO: So moved.

11 COMMISSIONER D'AQUILA: Second.

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

14 (Multiple ayes.)

15 VICE CHAIR BROWN: Passes unanimously.

16 All right. We're going to consent orders now,
17 5.1.

18 MS. ALVARADO: Emily Alvarado, for the record.

19 Item No. 5.1 is Sarasota Kennel Club, Case No.

20 2022-059436. This case was a filed administrative

21 complaint alleging that respondent violated Rule

22 75-11.014(4)(d)(3) and 75-11.014(4)(a) by failing

23 to alternate the deck of cards in and out of play

24 with each deck being used for every other game and

25 failing to withdraw the entire deck of cards when a

1 damaged card was discovered.

2 There was no prior violations for these
3 respondents. The respondent has sent back a signed
4 settlement and consent order with a fine of \$500.
5 Therefore, the Division would ask the Commission
6 enter an order adopting the consent order in this
7 case.

8 VICE CHAIR BROWN: Do the commissioners have
9 any questions on this item? If not, can we get a
10 motion to approve the consent order?

11 COMMISSIONER D'AQUILA: Motion to approve the
12 consent order.

13 VICE CHAIR BROWN: Is there a second?

14 COMMISSIONER REPP: Second.

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

17 (Multiple ayes.)

18 VICE CHAIR BROWN: Passes unanimously.

19 MS. ALVARADO: 5.2 is Alvaro Vasques in Case
20 No. 2023-034324. This case, you'll see a filed
21 administrative complaint alleging that the
22 respondent violated 75-11.004(8)(a) by failing to
23 clear his hands when cash, chips, or tokens were
24 exchanged with or provided to a player.

25 This is the respondent's first violation. You

1 will also find a settlement and consent order for a
2 \$50 fine in this case. Therefore, the Division
3 would ask that the Commission adopt the consent
4 order in this case.

5 VICE CHAIR BROWN: Thank you.

6 Any questions? Commissioner Drago.

7 COMMISSIONER DRAGO: If I could, yes. Just a
8 couple of questions, I think, for clarification.
9 In this case, my understanding is that Mr. Vasquez
10 violated this several times throughout the night,
11 including after being warned that his actions were
12 in violation and still continued to do it, in spite
13 of that.

14 MS. ALVARADO: It seems like it happened about
15 eight times in one day, and then he was informed
16 about it after that.

17 COMMISSIONER DRAGO: But then he did it again,
18 according to the report I read.

19 MS. ALVARADO: Right.

20 COMMISSIONER DRAGO: Even after being warned
21 and shown visibly how to do it visibly in front of
22 him.

23 MS. ALVARADO: Right.

24 COMMISSIONER DRAGO: And then continued doing
25 it. So my question is, are we fining him for one

1 offense and forgetting about all the other
2 violations, multiple counts of the offense,
3 especially after being warned about it?

4 It just seems like an awful low fine for
5 violating it eight times throughout the night and
6 after even being warned. How did we come to just
7 \$50 fine for that?

8 MS. ALVARADO: In the past whenever it was a
9 first offense where we have notification,
10 regardless of how many times that it happened, we
11 have done the \$50 penalty for the first time
12 around.

13 And then the second case would take into
14 consideration how many times it didn't change.
15 That's just how we've done it in the past. But, of
16 course, I can come back and send a new settlement,
17 if necessary.

18 COMMISSIONER DRAGO: And also I understand he
19 only had a license since November of the year
20 before, so what was this, seven months later or
21 something along those lines. So it isn't like he's
22 been licensed for years and years and never
23 committed an offense.

24 This is a fairly short period of time. Those
25 are the only questions I have. I have some

1 concerns about that in relation to the number of
2 violations even after being warned, but that's my
3 only questions.

4 VICE CHAIR BROWN: Thank you, Commissioner
5 Drago. I had similar questions in my briefing. In
6 my understanding, the way that our staff responded
7 was that it can happen very quickly.

8 Am I correct?

9 MS. ALVARADO: Right. Typically, it happens
10 within minutes, and you'll see that in the report.
11 They're observing over a period of ten minutes, it
12 seems like, and there was eight violations in that
13 ten-minute period. And then it did happen again
14 after they were informed about it one time.

15 VICE CHAIR BROWN: Has this individual had
16 chip handling behavior training since that time?

17 MS. ALVARADO: That, I'm not sure about.

18 VICE CHAIR BROWN: Commissioner.

19 COMMISSIONER D'AQUILA: How many years of
20 experience does this dealer have?

21 MS. ALVARADO: That's not in the report. To
22 go back to your question, it does say in the report
23 that he was coached by his supervisor after the
24 violations. And to my knowledge, we haven't
25 received a new case for this individual since then,

1 so I'm not sure if he has fixed this issue since
2 the violation on the first day it happened.

3 VICE CHAIR BROWN: Commissioner Drago.

4 COMMISSIONER DRAGO: My understanding was that
5 our investigator went to the supervisor and told
6 him what was happening. His supervisor went over,
7 coached him, taught him how to do it, and then the
8 investigator watched him continue to do it anyway.

9 MS. ALVARADO: Right.

10 COMMISSIONER DRAGO: After that, so he did
11 receive his coaching and then ignored it and
12 continued to do it.

13 VICE CHAIR BROWN: Commissioner D'Aquila.

14 COMMISSIONER D'AQUILA: Has the supervisor
15 coach ever had any issue here that we're aware of?

16 MS. ALVARADO: I don't even have the name of
17 the supervisor in this report, so I can't confirm
18 whether they've ever had this violation before.

19 COMMISSIONER D'AQUILA: So we don't know how
20 many years of experience this individual had. We
21 don't know the quality of the supervision he
22 received. You can't answer those at this point?

23 MS. ALVARADO: No, I can't.

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

25 I think the question is really is if there's

1 appetite to go back and talk further for options at
2 the pleasure of the Commission. I'm bringing that
3 up for discussion.

4 Commissioner Drago.

5 COMMISSIONER DRAGO: I would like to see it
6 opened up again and gone back and looked at a
7 little bit closer, due to the things we're talking
8 about in terms of the amount of violations and
9 being coached and warned and still continuing to do
10 it, whether a \$50 fine is really setting the
11 example to folks that we intend on trying to send.

12 VICE CHAIR BROWN: We're going to go ahead
13 then and just defer that item without voting on it.
14 Thank you. Moving on to 6.1.

15 MS. ALVARADO: Item 6.1 is Pham Hung in Case
16 No. 2023-004357. This case was a one count
17 administrative complaint alleging that respondent
18 was excluded from the Casino at Dania Beach on
19 January 20, 2023 when it was discovered that he was
20 involved in a scheme to steal about \$1,250 from a
21 designated player.

22 He's therefore subject to exclusion from all
23 pari-mutuels and all slot machine facilities in the
24 state of Florida pursuant to Section 550.0251(6)
25 and 551.112.

1 You were also provided the USPS tracking
2 confirmed shipping. Therefore, the Division would
3 ask that the Commission enter an order finding that
4 the respondent was properly served with the
5 administrative complaint, failed to respond within
6 21 days, that the facts in the administrative
7 complaint are accepted as the facts in this case,
8 and that respondent will be added to the permanent
9 exclusion list for all peri-mutuel and slot machine
10 facilities.

11 VICE CHAIR BROWN: Thank you. My
12 understanding is that this is also a partnership
13 theft with the actual designated player.

14 MS. ALVARADO: Right. The designated player
15 has already been permanently excluded from all our
16 peri-mutuels and slot machine facilities as well.

17 VICE CHAIR BROWN: Commissioners, any
18 questions? If not, can we get a motion to approve
19 the default final?

20 COMMISSIONER DRAGO: So moved.

21 VICE CHAIR BROWN: Second?

22 COMMISSIONER REPP: Second.

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

25 (Mutual ayes.)

1 VICE CHAIR BROWN: Thank you. Passes
2 unanimously. 6.2.

3 MS. ALVARADO: This is Michelle Palacios in
4 Case No. 2023-014183. This case was a two-count
5 administrative complaint alleging that respondent,
6 subject to exclusion from all peri-mutuels in the
7 state of Florida pursuant to Section 515.02516
8 based on her violation of Rule 75-11.005.

9 She was seen transferring patrons meals and
10 her meals to a private comp check that was covered
11 by the facility, and she was keeping the cash that
12 she was getting from the patrons for her own
13 personal use. She has since resigned.

14 You were also provided the USPS certified mail
15 tracking confirmation, and she failed to respond to
16 that.

17 Therefore, the Division would ask that the
18 Commission enter an order finding that the
19 respondent was properly served with the
20 administrative complaint, failed to respond within
21 21 days, that the facts in the administrative
22 complaint are the facts of this case, and
23 concluding that respondent will be added to the
24 permanent exclusion list for all peri-mutuel
25 facilities.

1 VICE CHAIR BROWN: Thank you so much. If
2 there are no questions, can we get a motion to
3 approve the final order?

4 COMMISSIONER D'AQUILA: Motion to approve the
5 final order.

6 VICE CHAIR BROWN: Second?

7 COMMISSIONER REPP: Second.

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

10 (Mutual ayes.)

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

12 Now we're moving into recommended orders 7.1
13 through 7.3. My understanding is that we have a
14 speaker for Item No. 7.2, as well as 8.1, which is
15 the same individual, so I would like to take up 7.2
16 and 8.1 together.

17 If we could take them out of order because we
18 have a speaker on those, can we can take up 7.1 and
19 7.3?

20 MS. ALVARADO: Sure. 7.1 is Anthony Wilson in
21 Case No. 2022-052207. This case comes before you
22 following a recommended order that was issued by
23 the hearing officer on October 3rd.

24 An informal hearing was conducted on July 25,
25 2023 regarding an administrative complaint seeking

1 to exclude this respondent from all peri-mutuels
2 pursuant to Section 550.0251(6).

3 The hearing officer issued a recommended order
4 recommending that respondent be added to the
5 permanent exclusion list for all peri-mutuels for a
6 period of one year.

7 Therefore, the Division would ask that the
8 hearing officer's recommended order be adopted in
9 this case.

10 VICE CHAIR BROWN: Thank you. Commissioners,
11 any questions on this? If not, can we get a motion
12 to approve the final order adopting the hearing
13 officer's recommendation.

14 COMMISSIONER REPP: I would like to make a
15 motion to approve.

16 COMMISSIONER DRAGO: Second.

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

19 (Mutual ayes.)

20 VICE CHAIR BROWN: Thank you. Moving on to
21 7.3.

22 MS. ALVARADO: Jamil Watson in Case No.
23 2023-021423. This case comes before you following
24 a recommended order that was issued by the hearing
25 officer on October 3rd.

1 The informal hearing was conducted on July 25,
2 2023 regarding a notice of intent to deny
3 petitioner's license application due to one felony
4 conviction which was fleeing or attempting to
5 allude an officer in 2010.

6 The hearing officer issued a recommended order
7 recommending that the petitioner's license be
8 granted in this case. the Division had recommended
9 denial, but the hearing officer recommended
10 granting the license in this case.

11 VICE CHAIR BROWN: Thank you. I tend to agree
12 with the hearing officer as well when I saw this.

13 Commissioners, any questions? If not, can we
14 get a motion to approve the hearing officer's
15 recommended order?

16 COMMISSIONER DRAGO: So moved.

17 VICE CHAIR BROWN: Is there a second?

18 COMMISSIONER REPP: Second.

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

21 (Mutual ayes.)

22 VICE CHAIR BROWN: Thank you. Ms. Alvarado,
23 can we take up 7.2 and 8.1 together, please?

24 MS. ALVARADO: Yes. Sure. 7.2 is Gilfredo
25 Gonzalez in Case No. 2022-061179. 8.1 is the same

1 petitioner in this case, respondent in that case.

2 It's Case No. 2008-012886.

3 This case comes before you following the
4 recommended order that was issued by the hearing
5 officer. An informal hearing was conducted on June
6 15th regarding the notice of intent to deny
7 petitioner's application due to his permanent
8 exclusion from 2010.

9 Since the hearing, petitioner's attorney has
10 submitted an order or a motion to vacate or amend
11 the prior order asking that the Commission find
12 that respondent's attendance at peri-mutuels in
13 Florida is not adverse to the public interest or
14 the integrity of the sport or industry to vacate
15 the provisions in the final order in this matter,
16 to the extent that the order excludes Mr. Gonzalez
17 from peri-mutuel facilities, other than Gulfstream
18 Park, and order that the final orders in the cases
19 prior which were 2011-037755 and 2013-013267 not
20 serve as a basis for the denial and the informal
21 hearing recommended order case.

22 The hearing officer has since issued a
23 recommended order on October 3rd recommending that
24 petitioner's license be denied without prejudice to
25 reapply anytime, that the Florida Gaming Control

1 Commission finds that the attendance of petitioner
2 at a peri-mutuel facility would not be adverse to
3 the public interest or integrity of the sport, and
4 that petitioner is no longer excluded from
5 peri-mutuels in the state of Florida.

6 VICE CHAIR BROWN: And before we get to the
7 speaker, are there any preliminary questions of
8 fact? It's kind of a complicated petition. My
9 understanding is that the petitioner is requesting
10 the occupational license. It does not intend to
11 work in the cardroom.

12 MS. ALVARADO: Right. He is not even
13 requesting a cardroom license. He's trying to get
14 a license to work in the back side with the horses,
15 a peri-mutuel occupational license.

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

18 COMMISSIONER REPP: Do we have any other
19 criminal history?

20 MS. ALVARADO: No. That is the only incident.

21 VICE CHAIR BROWN: Thank you. With that,
22 Mr. Dan McGinn is the attorney representing the
23 individual petitioner. Nice to see you here.

24 MR. MC GINN: Thank you, Madam Chair. Thank
25 you, Commissioners. For the record, my name is

1 Daniel McGinn. I'm with Dean, Mead & Dunbar here
2 in Tallahassee. We are representing Mr. Gilfredo
3 Gonzalez.

4 VICE CHAIR BROWN: Just ask you for the court
5 reporter to speak closer to the mic.

6 MR. MC GINN: Sure. And also I apologize to
7 the court reporter, as I do every time they're
8 transcribing me. I talk three times as fast.

9 VICE CHAIR BROWN: He talks very fast.

10 MR. MC GINN: It happens a lot. So what I'm
11 here today to discuss before the Commission are two
12 requests. The first one is to modify the 2010
13 order which excludes Mr. Gonzalez, to allow him to
14 be eligible to enter pari-mutuel facilities other
15 than Gulfstream Park, and then for the Commission
16 to grant the license that he's applied for and the
17 recommended order that's been issued by the hearing
18 officer.

19 So to begin, please understand that what we're
20 asking for today is not a determination from the
21 Commission that either the current or the former
22 pari-mutuel wagering division was incorrect.

23 In 2010 based on the information that was
24 available at the time, the Division chose to
25 exclude Mr. Gonzalez from its pari-mutuel

1 facilities.

2 In its recommended order today, the hearing
3 officer recommends you deny Mr. Gonzalez based on
4 that 2010 order. And what we're asking the
5 commission today is to look at the facts before it
6 that you have now and to determine whether
7 Mr. Gonzalez's exclusion is still appropriate and
8 necessary under the standards of Chapter 550 of the
9 Florida Statutes.

10 Factually in early 2008, Mr. Gonzalez diverted
11 chips into his tip box while working as a dealer at
12 Gulfstream Park. He was terminated from his
13 position and excluded from Gulfstream.

14 He was not arrested nor convicted for this
15 offense. Shortly thereafter, Mr. Gonzalez began
16 working at table games at a Seminole tribe facility
17 in South Florida. Over the course of the next
18 decade and a half, he rose to the position as table
19 game supervisor.

20 He currently works in the Tampa facility, and
21 he's been there for the entire time from 2008 till
22 now while he's been with the tribal facilities in
23 Hollywood and Tampa. He's had no further
24 incidents.

25 Like I said, he remains employed today. He

1 actually sent me his evaluation, but it's not on
2 the record. He got a raise, which is hard to do
3 nowadays.

4 After the 2010 order was issued, Mr. Gonzalez,
5 as you can see, has tried to regain a license from
6 the Division multiple times, most recently in 2013.
7 In each of these instances, he was candid and
8 remorseful when discussing the Gulfstream incident
9 with the Division.

10 But again, he was denied, much like the
11 hearing officer recommends in this instance because
12 of the 2010 order stemming from the 2008 incident.
13 Now with this additional 15 years of employment
14 history within the industry, Mr. Gonzalez is asking
15 the Commission for a determination that his
16 exclusion from the facilities is no long warranted,
17 other than Gulfstream, statutorily Gulfstream not
18 at issue here.

19 So Section 550.0251(6) which is the exclusion
20 statute generally, also grants the Commission a
21 basis for modifying this order. The statute allows
22 the Commission to make a finding that
23 Mr. Gonzalez's attendance at pari-mutuel facilities
24 is neither adverse to the public interest nor the
25 integrity of the sport; thereby permitting him to

1 enter facilities other than Gulfstream Park,
2 Gulfstream because it's the particular location as
3 the offense as a private right of action -- not
4 right of action, but a private ability to continue
5 excluding him.

6 That's why we're not asking for him to be
7 admitted there. If they choose to keep him on
8 their exclusion log, that's something that the
9 Commission doesn't have the authority to order.

10 So should the Commission agree with our
11 request and the finding and subsequent modification
12 of 2010 order would then allow for the Commission
13 to grant the remaining relief requested, which is
14 the approval of his license.

15 The facts in the matter are not at issue.
16 Everything that I've referred to today and that
17 Ms. Alvarado has referred to were entered either by
18 Mr. Gonzalez or the Division at the informal
19 hearing.

20 Again, the sole basis for his denial is this
21 2010 order stemming from the 2008 case. Without
22 that barrier, Mr. Gonzalez is otherwise eligible to
23 hold the license he applied for.

24 Again, the hearing officer's recommended
25 order, while recommending denial, does contemplate

1 this exact process that we're trying to take today.

2 Now, what we've done is attempt to consolidate
3 this into a one-day issue before the Commission,
4 rather than asking you to amend the order and then
5 coming back at a later meeting with the same
6 application that we've got before the Commission
7 today.

8 So if you're willing to make the necessary
9 finding and the modification, we can kind of wrap
10 all this up. And as such, we respectfully request
11 this Commission grant the release requested in the
12 motion and thereafter approve the licensure
13 application either in full or conditionally.

14 Again, Mr. Gonzalez has no interest in being
15 permitted to work in the state cardroom facility.
16 His son currently works in the Tampa facility in
17 the back of the track, and he'd kind of like to
18 finish up his twilight years in the industry
19 working with his son.

20 If there are any questions, I'd be glad to
21 answer them. Otherwise, thank you for your time.

22 VICE CHAIR BROWN: Thank you, Mr. McGinn.
23 This is a case where we're happy that the
24 petitioner delves into this matter a little bit
25 more thoroughly so that we could look at the facts

1 of his background of where he is today.

2 Commissioners, do you have any questions for
3 Mr. McGinn or for staff? Any comment? Okay. With
4 that, thank you. Now we're going to move on to
5 discussion on the issue. I think the most
6 appropriate thing, either general counsel or
7 Ms. Alvarado, is to take up 8.1, which is the
8 discussion of vacating the final order; correct?

9 MS. ALVARADO: Yes, that's correct.

10 VICE CHAIR BROWN: Commissioners, discussion
11 on 8.1, the petitioner's request to vacate the
12 final order. I'll just begin.

13 I think the petitioner presented a very
14 compelling case. Actually, I don't really, with
15 due respect, agree with the staff's recommendation.
16 I do agree with the petitioner here, and I think
17 it's appropriate to vacate the final order as
18 requested.

19 Commissioner Repp.

20 COMMISSIONER REPP: I would agree.

21 COMMISSIONER D'AQUILA: I would agree.

22 COMMISSIONER DRAGO: I agree.

23 VICE CHAIR BROWN: Thank you very much. Can
24 we get a motion to vacate provisions of the final
25 order in this matter, to the extent that the order

1 excludes Mr. Gonzalez from pari-mutuel facilities,
2 other than Gulfstream Park?

3 COMMISSIONER REPP: I'll make a motion to
4 vacate.

5 VICE CHAIR BROWN: Is there a second?

6 COMMISSIONER D'AQUILA: I'll make a second.

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

9 (Multiple ayes.)

10 VICE CHAIR BROWN: That passes. And we go to
11 7.2. If there's no discussion, can we get a motion
12 to approve the petitioner's request for licensure?

13 COMMISSIONER D'AQUILA: So moved.

14 VICE CHAIR BROWN: Is there a second?

15 COMMISSIONER REPP: Second.

16 VICE CHAIR BROWN: Again, just checking with
17 legal that's the correct? All right. All those in
18 favor, say aye.

19 (Multiple ayes.)

20 VICE CHAIR BROWN: That passes unanimously.

21 Thank you, and thank you for your work here.

22 Moving on to license denials, 9.1, Mr. Woods.

23 MR. WOODS: Good morning. Steve Woods, for
24 the record. 9.1 in this case Aleksandr Belozarov.
25 It's Case No. 2023-038900. He applied for a

1 cardroom employee occupational license. There were
2 two convictions in this case.

3 There was a grand theft auto. There was also
4 a failure to return. I'm not sure how many details
5 are desired. But a very brief synopsis of what
6 happened was this person rented a car in 2018, lent
7 it to a friend, and the friend did not return it.
8 It was well past the due date.

9 And then the man went to return it, and he was
10 arrested for doing so. This case remained pending
11 until 2023 because he had Corona virus. He went
12 back to court, and then there was a fire alarm.
13 And he believed that because a fire alarm had went
14 off, he could leave.

15 He did leave. He never contacted the court
16 again. This caused an FTA, a failure to appear.
17 He was then rearrested, and then this was resolved
18 for -- he was sentenced. Adjudication was
19 withheld. He was sentenced to 18 months probation,
20 and he had to pay restitution of \$1,869.

21 I think that briefly summarizes the two felony
22 convictions, those arising out of the same
23 circumstances, the same act. These were disclosed,
24 and he applied for a waiver. That was denied. The
25 recommendation is that the Commission authorize the

1 issuance of a notice of intent to deny.

2 VICE CHAIR BROWN: Thank you, Mr. Woods.

3 Commissioners, do you have any questions on
4 this issue?

5 COMMISSIONER DRAGO: I just have one question
6 for clarification. When was the date of the
7 original offense?

8 MR. WOODS: 2018. I believe the date was
9 March 13, 2018 that the vehicle was due, and then
10 it was kept long beyond that. And then he was
11 arrested in 2018, and then it remained pending
12 because of the Corona virus and because of the FTA
13 until 2023.

14 COMMISSIONER DRAGO: Thank you.

15 VICE CHAIR BROWN: Mr. Woods, this applicant,
16 did he make full restitution?

17 MR. WOODS: Yes. I believe the restitution
18 was a condition of probation. I think the
19 restitution again was roughly \$1,900. The exact
20 figure was something along the lines of \$1,869.

21 VICE CHAIR BROWN: Commissioner Repp.

22 COMMISSIONER REPP: And has the probation been
23 completed or has it been determined what date it is
24 completed?

25 MR. WOODS: When the probation began, the date

1 of disposition, the date on which he was sentenced
2 would have been June 8, 2023. That's when it
3 began. It was a term of 18 months.

4 He was eligible for termination after nine,
5 you know, early termination halfway through if he
6 had done everything that he was required to do.
7 I'm not sure of the exact -- I don't think there's
8 any documentation whether the probation was
9 terminated early.

10 But he did satisfy all the conditions, whether
11 that was in 18 months or 9 or some point in between
12 those two time frames.

13 VICE CHAIR BROWN: And he had a license with
14 us. This is appearing before because it expired.
15 The one thing that -- he did not notify us, even
16 though he had a current license; correct?

17 MR. WOODS: That is correct. There were these
18 arrests in 2011 and 2017, and there is no
19 indication that he notified as required by
20 7511.011.

21 VICE CHAIR BROWN: We talk about that often.
22 Commissioner Repp.

23 COMMISSIONER REPP: He's still under probation
24 until at least March 2024?

25 MR. WOODS: No. I believe the probation --

1 you must be right.

2 COMMISSIONER REPP: He's still under
3 probation?

4 MR. WOODS: I must have misspoken.

5 VICE CHAIR BROWN: Commissioners, any
6 discussion on this? If not, we're ripe for a
7 motion.

8 COMMISSIONER DRAGO: Make a motion to accept
9 the staff recommendation.

10 VICE CHAIR BROWN: Is there a second?

11 COMMISSIONER REPP: I'll second.

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

14 (Multiple ayes.)

15 VICE CHAIR BROWN: Passes unanimously. Thank
16 you. On to 9.2.

17 MR. WOODS: 9.2 is Case No. 2023-040967. This
18 is Jessica Michell Thomas. She applied for a
19 pari-mutuel general individual occupational
20 license. There are several different convictions
21 in this case.

22 Three of them have to do with possession of a
23 controlled substance while armed. And on top of
24 that, there were other charges having to do with
25 possession of cannabis, carrying a concealed

1 firearm.

2 There's also a possession with intent to sell.
3 I believe all of these charges arose out of the
4 same incident. This woman, she gave a statement in
5 which she said that my husband was arrested. There
6 was this arrest of the husband who was put in jail
7 for traveling to meet a minor, a 14-year-old.

8 And when he knew he was going off to prison,
9 he left her with these drugs to say, you know, this
10 is something that you have to pay the bills. And
11 then there's this incident that's described in the
12 arrest report in which she is driving.

13 She hits another vehicle and flees on foot and
14 allegedly at one point threatens to shoot someone.
15 In this black bag she had with her as she was
16 fleeing, there was crack. There were 12 pills of
17 amphetamine. There were baggies. There were
18 scales, various types of paraphernalia for
19 narcotics.

20 VICE CHAIR BROWN: Thank you for the summary
21 and background.

22 Commissioners, any question? If not, can we
23 get a motion?

24 COMMISSIONER REPP: Motion to accept the staff
25 recommendation.

1 COMMISSIONER D'AQUILA: Second.

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

4 (Multiple ayes.)

5 VICE CHAIR BROWN: Passes unanimously. 9.3,
6 please.

7 MR. WOODS: Yes, ma'am. 9.3 is Case No.
8 2023-047281. This is Askari Leon Kemp. He applied
9 for a slot machine general individual occupational
10 license. The convictions in this case were grand
11 theft of a firearm in 2011 and carrying a concealed
12 weapon in 2008.

13 They were disclosed. The disqualifying
14 convictions could not be waived. The
15 recommendation is that the Commission authorize the
16 issuance of a notice of intent to deny.

17 VICE CHAIR BROWN: Thank you. Commissioners,
18 are there any questions? If not, can I get a
19 motion?

20 COMMISSIONER DRAGO: So moved to approve the
21 staff recommendation.

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

24 COMMISSIONER REPP: I'll second.

25 VICE CHAIR BROWN: All those in favor, say

1 aye.

2 (Mutual ayes.)

3 VICE CHAIR BROWN: Passes unanimously.

4 MR. WOODS: 9.4 is Case No. 2023-048275.

5 This is Alfred Lee Gerald, Jr. He applied for a
6 slot machine general individual occupational
7 license. The relevant convictions, there were a
8 few in this case.

9 Sale or delivery of cocaine, sale or delivery
10 of cannabis, grand theft and petty theft. These
11 were disclosed. These took place over a number of
12 years.

13 One was a conviction from 2005, one was a
14 conviction from 2018, and one was from 2017. The
15 convictions cannot be waived, and the
16 recommendation is that the Commission authorize the
17 issuance of a denial, intention to deny.

18 VICE CHAIR BROWN: Thank you.

19 This one, again, is a clear-cut case. If
20 there's no questions, can we get a motion?

21 COMMISSIONER D'AQUILA: Motion to accept the
22 staff recommendation.

23 VICE CHAIR BROWN: Thank you. Getting excited
24 here. Is there a second?

25 COMMISSIONER REPP: I'll second.

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

3 (Mutual ayes.)

4 VICE CHAIR BROWN: All right. On to 9.5.

5 MR. WOODS: Yes, ma'am. 9.5, the final case,
6 is Case No. 2023-050675. This is Tammie P. Corros.
7 She applied for a cardroom employee occupational
8 license. The conviction in this case was a forgery
9 from 2005.

10 Essentially, the circumstances of this, she
11 says that she was -- she explains that she was
12 living with the father of the child of whom she was
13 pregnant. She was eight months into the pregnancy.
14 The man cheated on her. She said that she was very
15 upset about this and made some poor choices, a poor
16 choice, and committed the crime of forgery.

17 She characterized it herself as a bad decision
18 for which there is no excuse. It was disclosed.
19 She did apply for a waiver. That was declined.
20 The recommendation is that the Commission authorize
21 the issuance of a notice of intent to deny.

22 VICE CHAIR BROWN: Mr. Woods, just some facts
23 here. This was back in 2005 in California?

24 MR. WOODS: Yes.

25 VICE CHAIR BROWN: Just looking at the record,

1 it looks like rehabilitation, that there's been no
2 other crimes since committed.

3 MR. WOODS: That is correct. From what I've
4 seen, she has said she hasn't been in trouble
5 since, and that is in line with the data provided
6 by the FBI.

7 VICE CHAIR BROWN: I just am a little bit more
8 sensitive to this because given the amount of time
9 that expands through this, her admission that she
10 knows it was a bad decision, an error, and
11 explanation of the facts and the fact that she
12 seems to be rehabilitated, and she's asking for a
13 cardroom occupational license. I'm open to the
14 idea of granting it.

15 Any other comments? Commissioner Drago.

16 COMMISSIONER DRAGO: I agree. It's been an
17 awful long time since this offense. I think it was
18 \$1,400.

19 MR. WOODS: \$1,400, yes, sir.

20 COMMISSIONER DRAGO: And I don't remember what
21 the forgery was exactly. I don't know.

22 MR. WOODS: It was money that, if I remember,
23 she was living with the man that was having the
24 affair. She moved out. She said she wasn't
25 working, and she wasn't in a rational state of

1 mind, and she forged a check. And then according
2 to what she says, it was the bank that proceeded
3 forward with the charges against her.

4 COMMISSIONER DRAGO: I making the assumption
5 based on the material that I reviewed that she has
6 rehabilitated herself. She hasn't had any other
7 offenses since that time. That was her only
8 conviction and the only offense that we're aware
9 of. I'm inclined to agree with Vice Chair Brown
10 and grant the license.

11 VICE CHAIR BROWN: Commissioner Repp.

12 COMMISSIONER REPP: I'm inclined also to see
13 rehabilitation considering the circumstances.

14 VICE CHAIR BROWN: Thank you. With that, can
15 we get a motion on this item?

16 COMMISSIONER DRAGO: So moved.

17 VICE CHAIR BROWN: To approve?

18 COMMISSIONER DRAGO: To approve.

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

21 COMMISSIONER REPP: I'll second.

22 VICE CHAIR BROWN: All right. And just
23 clarification, it's a motion to approve the
24 license, not the denial. Any discussion? If not,
25 all those in favor, say aye.

1 (Mutual ayes.)

2 VICE CHAIR BROWN: The motion passes. Thank
3 you. We are moving on to discussion of policies
4 and procedures. We have three of them to consider
5 today. Can we start off with 10.1.

6 MR. TROMBETTA: Yes, ma'am. Louis Trombetta,
7 for the record. Item 10.1 is the proposed active
8 assailant response policy. The origins of this is
9 essentially FDLE has major requirement on all law
10 enforcement agencies in the state to have an active
11 assailant response policy. This is the Gaming
12 Commission's policy.

13 As I have briefed all of you individually, we
14 are working on a massive all-encompassing law
15 enforcement group of policies. This one was pulled
16 out of that group because we were trying to get it
17 done sooner than all the others.

18 If there's any questions, the policy has been
19 included in the meeting material. If you have any
20 questions, I'm happy to answer them.

21 VICE CHAIR BROWN: Are there any questions on
22 this?

23 COMMISSIONER DRAGO: I don't have any
24 questions. I'll just say from my own experience,
25 this is consistent, a policy on this subject all

1 over the country. I travel all over the country
2 dealing with these policies, and this is consistent
3 across the country, so it's a standard policy for
4 active assailant response.

5 VICE CHAIR BROWN: That was helpful. Can we
6 please make a motion to approve the policy?

7 COMMISSIONER DRAGO: Yes. I make a motion to
8 approve the active assailant response policy.

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

11 COMMISSIONER REPP: I'll second that.

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

14 (Mutual ayes.)

15 VICE CHAIR BROWN: All right. It passes
16 unanimously as well. On to Item No. 10.2.

17 MR. TROMBETTA: Thank you. So Item 10.2 is
18 the travel policy. This was originally on the
19 agenda for the prior meeting. We've made some
20 adjustments based on feedback, and it's back on the
21 agenda. I received two questions during individual
22 briefings I would like to kind of just touch on
23 before turning it back over.

24 So the first one has to do with some of the
25 numbers involved. We are basing everything on DMS

1 travel guidance, so the per diem and the costs that
2 can be incurred on hotels and stuff is all based on
3 DMS.

4 The preference from staff levels to include
5 those numbers so that we just have to look at the
6 one policy. However, as some of you have mentioned
7 in the individual briefing, if instead you would
8 like us to just indicate to use DMS instead so you
9 can then look at DMS's policy, we can do that. I
10 wanted to give it up to the Commission to make a
11 decision on that point.

12 And then secondarily, there was a question
13 about the documentation needed for travel for
14 commissioners to this meeting. I believe this is
15 part of your routine travel. This isn't like going
16 to a conference that requires an additional memo or
17 anything like that.

18 I did look into that. So you still need to
19 get authorization ahead of time, but that's the
20 same as all travel. You just have to fill out --
21 you know, essentially it's a program that there's
22 software that's used for all travel management.

23 Those are the two items. If you have any
24 questions, just like the other one, I'm happy to
25 help.

1 VICE CHAIR BROWN: Regarding the second point
2 that you, so a memorandum would not be needed to
3 travel to headquarters in Tallahassee by the
4 commissioners?

5 MR. TROMBETTA: Correct, that's my
6 understanding. Just to be clear, though, there's
7 still for all travel, you would have to initially
8 request authorization to incur that travel expense.
9 It's different than a memo.

10 For travel going to conferences and additional
11 things that are approved by the executive director,
12 I ask for a memo so that I have a better idea of
13 what the individual that's requesting is actually
14 trying to do.

15 For travel like this, as you are
16 commissioners, to me this is routine. It's part of
17 your job duties to attend these meetings, so there
18 is no memo required for that type of travel.

19 VICE CHAIR BROWN: If we have to travel to
20 Fort Lauderdale for a workshop or meetings, a memo
21 would be required?

22 MR. TROMBETTA: I think it would depend on the
23 meeting. It could be required.

24 VICE CHAIR BROWN: Commissioner D'Aquila.

25 COMMISSIONER D'AQUILA: I have a question on

1 the first point when appropriate?

2 VICE CHAIR BROWN: Now is fine.

3 COMMISSIONER D'AQUILA: Am I understanding
4 correctly the question is whether to print the
5 numbers within the policy versus a link to the
6 current numbers in the other agency; is that
7 correct?

8 MR. TROMBETTA: Sort of, Commissioner. The
9 decision point is do we leave the numbers in our
10 policy, the direct. And these numbers I'm
11 referring to usually have to do with some type of
12 amount of dollar that can be incurred, you know, or
13 a tip.

14 For example, you can tip the taxi or the valet
15 a certain amount. That's all based on DMS's
16 guidance. Same thing with like the hotel rate. So
17 the question is do we put that in our policy and
18 then have to update our policy when it changes?

19 Or do we just refer to DMS's policy, and then
20 we just have to -- you know, the Gaming
21 Commission's own policy will say something like the
22 hotel will be allowable, hotel rate is as provided
23 with DMS. It's essentially referring to the other
24 policy.

25 So from my end, I would prefer that we just

1 put the number in the policy so that we have it in
2 one spot and it's easy to read. But I also
3 understand the counterpoint is a valid point, is
4 then we have to update it as they change.

5 We'd have to continuously update the form as
6 those numbers change. So really, it's a call for
7 you all, and we'll do whatever you'd like in this
8 instance.

9 VICE CHAIR BROWN: Commissioner D'Aquila, I
10 suggest that maybe having the actual number in
11 there but then include language, something to the
12 effect of or DMS's current rate in effect.

13 COMMISSIONER DRAGO: I'm fine with that. I
14 agree, just refer to DMS policy would be a lot
15 easier.

16 VICE CHAIR BROWN: Are there any other
17 comments before we turn it back to Mr. Trombetta?

18 Mr. Trombetta.

19 MR. TROMBETTA: Thank you. So just to be
20 clear, we will update the policy to include
21 language that reflects a reference to DMS as
22 guidance, and then we'll get the policy for
23 approval at the next meeting.

24 VICE CHAIR BROWN: Unless there's any other
25 questions, if we give you discretion to include

1 that language, we can go ahead and approve the
2 policy right now.

3 MR. TROMBETTA: I would be happy to do that.
4 I prefer that.

5 VICE CHAIR BROWN: Okay. Are there any other
6 questions on that policy? If not, can we get a
7 motion to approve the policy with the additional
8 language as suggested?

9 COMMISSIONER DRAGO: So moved.

10 VICE CHAIR BROWN: Is there a second?

11 COMMISSIONER D'AQUILA: Second.

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

14 (Mutual ayes.)

15 VICE CHAIR BROWN: Policy passes. 10.3.

16 MR. TROMBETTA: Thank you. 10.3 is the forms
17 management policy. This is the first amendment to
18 a policy. This policy had previously been
19 approved. It's one of the first ones the
20 Commission approved.

21 We noticed that there was an issue in the
22 numbering used in the Division, so we've updated
23 the numbers. Now it's back for approval. The form
24 itself has not changed. The policy itself has not
25 changed.

1 This policy just governs sort of how we
2 account for internal forms. It includes like the
3 font used, how things are listed. But it's on here
4 because we wanted to make sure that the numbering
5 was consistent.

6 VICE CHAIR BROWN: Thank you. Arial and Times
7 New Roman. Are there any questions on this item?
8 If not, can we get a motion to approve 10.3?

9 COMMISSIONER REPP: I'll make a motion to
10 approve 10.3.

11 COMMISSIONER D'AQUILA: I'll second.

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

14 (Mutual ayes.)

15 VICE CHAIR BROWN: Thank you. That passes.
16 Moving on to Executive Director update, Item
17 No. 11.

18 MR. TROMBETTA: Thank you. So I have a few
19 updates. I think we'll begin with probably the one
20 I'm most excited about. There has been included in
21 the meeting materials feedback from the graphic
22 designer that was engaged to provide a logo for the
23 Gaming Commission.

24 This captures the feedback that was provided
25 by the Commission at the last meeting. At this

1 point, I think I would take any additional feedback
2 you have, and I would also if there is a consensus,
3 if you are happy with this logo, I would ask that
4 you authorize me to execute on this and work with
5 the designers.

6 So what they provided are different variations
7 of how this logo can be used and how it would look.
8 I would prefer that you authorize me to go forward,
9 finalize this agreement, and finalize the logo.

10 They've already provided some variations. If
11 there is anything additional you would like, I
12 would like to go forward and move on, and we would
13 have our own logo and have some identity.

14 VICE CHAIR BROWN: We have spent a lot of time
15 on this. I know you have as well and so have the
16 graphic designer.

17 Commissioners, any thoughts? I appreciate the
18 designers coming up with the principals, the
19 guiding principals and like an explanation of the
20 graphics and the colors, all that. It was very
21 helpful. I like it, but there's a lot of variation
22 there.

23 So any comments?

24 COMMISSIONER DRAGO: Yes. I know we put a lot
25 of time into this, everybody has. And I know

1 Director Trombetta and the staff going through this
2 over and over again.

3 I'd like to see us approve this logo and give
4 the director the discretion to finalize the details
5 of the various forms it comes in, when we might use
6 the various forms, et cetera, because I think it
7 does -- I think it's a good logo, and I think it
8 could differ a little bit, depending on how we're
9 using it and what format.

10 So I would like to see us go ahead and move
11 forward with this and give Director Trombetta the
12 discretion to finalize it however he deems
13 necessary.

14 VICE CHAIR BROWN: That sounds like a motion.

15 COMMISSIONER DRAGO: That's a motion.

16 VICE CHAIR BROWN: Is there a second?

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

19 VICE CHAIR BROWN: Any additional questions?
20 All right. All those in favor, say aye.

21 (Mutual ayes.)

22 VICE CHAIR BROWN: Thank you.

23 MR. TROMBETTA: Thank you. Next on my list,
24 just updates on rule making. So today we didn't
25 have to use it because I think everybody, the

1 presenters have been very respectful of time. Our
2 public comment rule is now in effect.

3 So it's the first rule that the Commission has
4 adopted on its own. Speakers are essentially
5 limited three minutes, unless they are asked to go
6 beyond. So you all are authorized to go beyond
7 that, but it's a big step in the right direction.

8 Secondly, we had our workshop on cashless
9 wagering in South Florida on the 21st of September.
10 The record has been left open until October 10th
11 for people to submit public comment. Again, just
12 following up on the presentation that was provided
13 at the last meeting by Ms. Stinson from here, my
14 team will gather -- we'll have a transcript, and we
15 will be hopefully getting submittals based on
16 feedback at the meeting.

17 We asked the attendees to provide both like a
18 policy, where do you want to go with cashless?
19 What do you want? And then two, legally how do we
20 make this work?

21 We're going to go through it, and then we will
22 have a decision point on whether or not we have
23 another workshop or if we start working on language
24 so that we can advance that rule. It was a good
25 workshop. There's good turnout, and we got a lot

1 of feedback immediately.

2 But again, the record is open upon till the
3 10th, and we right now are just kind of waiting for
4 that to close.

5 VICE CHAIR BROWN: Commissioners, any
6 questions? How many written comments have we
7 received yet on that rule?

8 MR. TROMBETTA: To my knowledge, I just
9 haven't asked. I'm just waiting for October 10th.
10 I don't know. Let me ask Ms. Stinson if she has
11 any knowledge, other than me?

12 MS. STINSON: Good morning. I'm not aware of
13 any written comments at this time.

14 VICE CHAIR BROWN: Thank you. But there were
15 a lot of speakers and a lot of interest?

16 MS. STINSON: There were a lot of speakers and
17 a lot of interest. I also have a feeling that
18 people are going to be very thoughtful about this
19 and submit written comments that reflect that.

20 VICE CHAIR BROWN: Wonderful. Thank you.

21 MR. TROMBETTA: On October 1st, \$2.714 million
22 was distributed to local counties and
23 municipalities in according with Section
24 849.286(13)(h).

25 So this is money that gets distributed based

1 on cardroom revenue to local cities and
2 municipalities. So just kind of an update on
3 there, it doesn't necessarily have to get approved.
4 The mechanism happens.

5 You essentially take here's how much revenue
6 received, take the percentage, and send it to the
7 local counties and municipalities. So just an
8 update that that happened.

9 And then finally, I think it's probably worth
10 discussing dates for the next few meetings. I know
11 several of you have requested getting through the
12 holidays, if we can try to plan our schedules for
13 when the next meetings would be.

14 So if we could possibly meet or talk about
15 meetings through February, I think that would
16 probably be most helpful.

17 VICE CHAIR BROWN: And our next meeting is
18 November 2nd. We did not come up with -- we did
19 come up with a December 7th date.

20 MR. TROMBETTA: And if I can add, there are
21 two things to consider with both of those dates.
22 There's a committee meeting. Sorry. Start with
23 November. Sorry. I'll start over here.

24 The week beginning November 6th is a committee
25 meeting, is a committee week. So I don't know if

1 you guys desire to be here during that. I'm just
2 putting it out there. Right now, you did agree on
3 November 2nd.

4 I'm not trying to change that. But it is just
5 being aware that that is a committee week. And on
6 November 2nd, the PSC room is not available. This
7 room is not available November 2nd as well.

8 VICE CHAIR BROWN: I know Commissioner Drago
9 is not available. That's the week of --

10 COMMISSIONER DRAGO: November 6th.

11 VICE CHAIR BROWN: Are there other rooms
12 available, other than the PSC room, for November
13 2nd?

14 MR. TROMBETTA: I think right now we have
15 reserved the cabinet room for that date. I don't
16 know availability earlier in the week, but there
17 might be something if you want to try like Tuesday
18 or Wednesday of that week. We might also have more
19 flexibility. Again, I know you guys have a date.
20 I'm just throwing it out there.

21 VICE CHAIR BROWN: I think we're okay with
22 November 2nd. I want to make sure Commissioner
23 Drago is here. And then December 7th.

24 MR. TROMBETTA: So for December 7th, there's
25 an issue in that there's a slot -- one of the slot

1 machine license facilities expires -- well, is good
2 through December 6th.

3 Slot applicants have to pay a \$2 million
4 application fee. I would suggest we move this
5 meeting a day ahead so that we can capture the slot
6 license renewal, and there won't be a period of
7 time where we have to figure something else out.

8 So that would be my recommendation would be to
9 meet on December 6th or the 5th so that we can make
10 a decision on that slot license application.

11 Again, the slot machine license applications are
12 renewed based on -- they don't follow like a
13 calendar or fiscal year.

14 Their annual licenses are based on the initial
15 application date, so they're kind of scattered
16 throughout the year. My staff does the best we can
17 to work with the applicants.

18 They are very good about working with us, but
19 I don't think, frankly, it's a good position for
20 the Commission to be asking for the submission of
21 that type of money a month ahead of time.

22 VICE CHAIR BROWN: Commissioners, do you have
23 any problems moving it to the 5th or the 6th?

24 COMMISSIONER DRAGO: No.

25 VICE CHAIR BROWN: Let's do it the 6th.

1 MR. TROMBETTA: Okay.

2 VICE CHAIR BROWN: And then January.

3 MR. TROMBETTA: The first Thursday in January
4 is January 4th. I don't know if we reserved that
5 day or not. Just throwing it out there, that is
6 the first Thursday.

7 VICE CHAIR BROWN: Is there any possibility of
8 moving it to the second week when session begins in
9 January, the 11th?

10 COMMISSIONER DRAGO: That's fine.

11 VICE CHAIR BROWN: Are there any problems
12 moving it to the 11th?

13 MR. TROMBETTA: Not that I'm aware of. I
14 think that makes sense.

15 VICE CHAIR BROWN: All right. And then
16 February?

17 MR. TROMBETTA: February the 1st. The first
18 Thursday in February is February the 1st.

19 VICE CHAIR BROWN: Is that a problem with you?

20 COMMISSIONER DRAGO: No. That's fine.

21 VICE CHAIR BROWN: Thank you. Any other
22 updates under Executive Director's report?

23 MR. TROMBETTA: No, ma'am. Thank you.

24 VICE CHAIR BROWN: Thank you. We are moving
25 on to public comment. Is there anybody from the

1 public that would like to speak before us today?

2 Hearing none, it's nice to see you all,

3 though, anyway.

4 Commissioners, any other matters to address

5 before we adjourn? All right. We are officially

6 adjourned. Thank you so much.

7 (Proceedings concluded at 10:48 a.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

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

Dated this 19th day of October, 2023.



I. Iris Cooper
Stenographic Reporter
Notary Public, State of Florida
My Commission No. 1366674
Expires: July 27, 2025

Job No.: 319736