

FLORIDA GAMING CONTROL COMMISSION

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TRANSCRIPT OF PUBLIC MEETING PROCEEDINGS

DATE TAKEN: Thursday, December 5, 2024  
TIME: 9:30 a.m. to 11:06 a.m.  
PLACE: Betty Easley Conference Center  
Joseph P. Cresse Hearing Room 148  
4075 Esplanade Way  
Tallahassee, Florida 32399  
BEFORE: Vice-Chair Julie Brown  
Commissioner Chuck Drago  
Commissioner John D'Aquila  
Commissioner Tina Repp

STENOGRAPHICALLY REPORTED BY:  
JANE FAUROT  
Registered Professional Reporter

JOB NO.: 373301

1 PARTICIPANTS AND SPEAKERS:

2

Commission staff:

3

Ross Marshman, Acting Executive Director

4

Elina Valentine, General Counsel

Carl Herold, Director of Gaming Enforcement

5

Jamie Pouncey, Program Administrator

Emily Alvarado, Deputy Chief Attorney

6

Joe Dillmore, Director of Pari-Mutuel Wagering

Louis Trombetta, Former Executive Director

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8 Public participants:

9

T.J. Morton, Esquire, for Mr. Kirby

Stephen Glen Kirby

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Tana Storey, Esquire, for Dr. Storck

Dr. Christine Storck (via phone)

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12 Others present:

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Members of the public

The Florida Channel

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

2 VICE CHAIR BROWN: Thank you. And good  
3 morning, everyone. Today is December 5th. The  
4 time is 9:30. This is the Florida Gaming  
5 Control Commission meeting, and if you would  
6 please stand for the pledge of allegiance which  
7 will be led by our Executive Director, Mr. Lou  
8 Trombetta.

9 (Pledge of Allegiance.)

10 VICE CHAIR BROWN: Thank you,  
11 Mr. Trombetta. And happy holidays to everyone.  
12 Merry Christmas and all of that. It's going to  
13 be a great month, and this is our meeting  
14 agenda for December.

15 Before we begin with the materials,  
16 though, given our Executive Director's imminent  
17 departure, I would like to get a motion to  
18 appoint Deputy Executive Director, Mr. Ross  
19 Marshman, as acting Executive Director.

20 Commissioners.

21 COMMISSIONER DRAGO: So moved.

22 VICE CHAIR BROWN: Is there a second?

23 COMMISSIONER D'AQUILA: Second.

24 VICE CHAIR BROWN: Any discussion?

25 All those in favor say aye.

1 (Unanimous affirmative vote.)

2 VICE CHAIR BROWN: Thank you.

3 Congratulations, Mr. Marshman.

4 MR. MARSHMAN: Thank you.

5 VICE CHAIR BROWN: Thank you.

6 All right. We are going to move into the  
7 discussion of amended applications for  
8 pari-mutuel operating licenses. If we can take  
9 up 1.1 and 1.2 together that would be great.

10 MS. POUNCEY: Jamie Pouncey for the  
11 record. 1.1, Case No. 2024-060506; 1.2 is Case  
12 No. 2024-060510. These are both requests to  
13 amend operating license dates for West Flagler  
14 Associates, Permits No. 280 and 283. They have  
15 submitted the required documentation satisfying  
16 the requirements and the division recommends  
17 approval.

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

19 Commissioners, seeing that all statutory  
20 requirements have been complied with, can we  
21 please get a motion to approve the amended  
22 operating licenses for 1.1 and 1.2.

23 COMMISSIONER D'AQUILA: I make a motion to  
24 approve the amended operating licenses for 1.1  
25 and 1.2.

1 VICE CHAIR BROWN: Is there a second?

2 COMMISSIONER REPP: Second.

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

5 (Unanimous affirmative vote.)

6 VICE CHAIR BROWN: Thank you. The motion  
7 passes. And I will be -- I feel remiss, but I  
8 do want to acknowledge that we will be  
9 celebrating Mr. Trombetta at the end of our  
10 meeting today, so I did not want to let that go  
11 unnoticed.

12 Moving on to Item 2.1, discussion of  
13 renewal applications for slot machine license.

14 MS. POUNCEY: Item No. 2.1 is Case No.  
15 2024-053341, South Florida Racing Association  
16 doing business as Hialeah Park Racing and  
17 Casino. This is a request to renew its annual  
18 slot machine license. They have submitted the  
19 required application and other requirements and  
20 we recommend approval of this license.

21 VICE CHAIR BROWN: Thank you. If there  
22 are no questions, can we please get a motion to  
23 approve this item as presented.

24 COMMISSIONER DRAGO: So moved.

25 VICE CHAIR BROWN: Is there a second?

1 COMMISSIONER REPP: Second.

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

4 (Unanimous affirmative vote.)

5 VICE CHAIR BROWN: Thank you.

6 Item 2.2, please.

7 MS. POUNCEY: Item 2.2 is Case No.  
8 2204-053371, Casino Miami. They have submitted  
9 their request to renew their annual slot  
10 machine license. They have submitted the  
11 required documentation and the division  
12 recommends approval.

13 VICE CHAIR BROWN: Ms. Pouncey, has the  
14 application fee and regulatory fee been paid as  
15 a condition precedent to this?

16 (Microphone not on.)

17 VICE CHAIR BROWN: Okay. Yes. Thank you.

18 Commissioners, are there any questions?

19 Seeing none, can we get a motion to  
20 approve?

21 COMMISSIONER REPP: I'll make that motion.

22 VICE CHAIR BROWN: Is there a second?

23 COMMISSIONER D'AQUILA: Second.

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

1 (Unanimous affirmative vote.)

2 VICE CHAIR BROWN: Thank you.

3 Okay. We are moving on to default final  
4 orders. Item 3.1.

5 MS. ALVARADO: Good morning. This is  
6 Emily Alvarado for the record.

7 Item 3.1 is 2024-051320, Amy Papa. In  
8 this case you were provided a one count  
9 administrative complaint alleging that the  
10 respondent was excluded from the casino at  
11 Dania Beach on July 6th, 2024. She is  
12 therefore subject to exclusion from all  
13 pari-mutuel and all slot machine facilities  
14 pursuant to 550.0251(6) and 551.112, Florida  
15 Statutes.

16 You were also provided the tracking that  
17 showed that she was served and failed to  
18 respond within 21 days. Therefore, the  
19 division would ask that the commission enter an  
20 order finding that respondent was properly  
21 served with the administrative complaint and  
22 failed to respond within 21 days. That the  
23 facts in the administrative complaint are  
24 accepted as the facts in this case, and  
25 concluding that she shall be added to the

1 permanent exclusion list for all pari-mutuel  
2 and slot machine facilities.

3 VICE CHAIR BROWN: Thank you,  
4 Ms. Alavardo.

5 Commissioners, if there are no questions,  
6 can we please get a motion as presented by  
7 Ms. Alvarado.

8 COMMISSIONER DRAGO: I would move that we  
9 accept the staff recommendation.

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

12 COMMISSIONER D'AQUILA: Second.

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

15 (Unanimous affirmative vote.)

16 VICE CHAIR BROWN: Thank you.

17 Item 3.2, please.

18 MS. ALVARADO: Item 3.2 is 2024-054148,  
19 Jose Alberto Indio, II. In this case there was  
20 a two count administrative complaint alleging  
21 that the respondent was convicted of two felony  
22 offenses and failed to notify the commission of  
23 the conviction. He's subject to revocation of  
24 his general individual occupational license  
25 pursuant to 550.105(5)(b), and 550.105(5)(d).



1           You were also provided the USPS track and  
2           confirm that showed that he was served and  
3           failed to respond within 21 days. Therefore,  
4           the division would ask that the commission  
5           enter an order finding that the respondent was  
6           properly served, that he failed to respond  
7           within 21 days, that the facts in the  
8           administrative complaint are accepted as the  
9           facts in this case, and concluding that the  
10          respondent's general individual occupational  
11          license will be revoked.

12           VICE CHAIR BROWN: Thank you.  
13          Commissioners, are there any questions on this  
14          item? If not, can we please get a motion.

15           COMMISSIONER D'AQUILA: I make a motion to  
16          approve staff recommendation.

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

19           COMMISSIONER REPP: Second.

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

22           (Unanimous affirmative vote.)

23           VICE CHAIR BROWN: Thank you. Item 3.3,  
24          please.

25           MS. ALVARADO: Item 3.3 is Jose Antonio

1 Gallegos, 2024-054212. This case was a one  
2 count administrative complaint seeking to  
3 suspend respondent's pari-mutuel wagering  
4 professional individual occupational license  
5 due to an outstanding debt related to horse  
6 racing in Florida pursuant to 550.105(7),  
7 Florida Statutes.

8           You were also provided the tracking that  
9 showed that he was served and failed to respond  
10 within 21 days. Therefore, the division would  
11 ask the commission enter an order finding that  
12 respondent was properly served, failed to  
13 respond within 21 days, that the facts in the  
14 administrative complaint are the facts in this  
15 case, and concluding that the respondent's  
16 pari-mutuel wagering professional individual  
17 occupational license will be suspended until  
18 the commission receives confirmation that the  
19 payment has been satisfied.

20           VICE CHAIR BROWN: Thank you. And we have  
21 three of these today, very similar in form.

22           Commissioners, can we please get a motion  
23 to approve the staff recommendation.

24           COMMISSIONER REPP: I will make that  
25 motion.

1 VICE CHAIR BROWN: Is there a second?

2 COMMISSIONER DRAGO: Second.

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

5 (Unanimous affirmative vote.)

6 VICE CHAIR BROWN: And Item 3.4.

7 MS. ALVARADO: Item 3.4 is Kenneth Moton,  
8 2024-052578. In this case there was a one  
9 count administrative complaint alleging that  
10 the respondent was excluded from Harrah's  
11 Pompano Beach on September 1st, 2024, and he is  
12 therefore subject to exclusion from all  
13 pari-mutuel and slot machine facilities  
14 pursuant to Section 550.025(1)(6) and 551.112.

15 You also had the track and confirm that  
16 showed that he was served and failed to respond  
17 within 21 days. Therefore, the division would  
18 ask that the commission enter an order finding  
19 that the respondent was properly served, failed  
20 to respond within 21 days, that the facts in  
21 the administrative complaint are accepted as  
22 the facts in this case and concluding that the  
23 respondent will be added to the permanent  
24 exclusion list for all pari-mutuel and slot  
25 machine facilities.

1 VICE CHAIR BROWN: Thank you.

2 Commissioners, if there are no questions,  
3 can we please get a motion to enter a final  
4 order permanently excluding the respondent?

5 COMMISSIONER DRAGO: So moved.

6 VICE CHAIR BROWN: Is there a second?

7 COMMISSIONER REPP: Second.

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

10 (Unanimous affirmative vote.)

11 VICE CHAIR BROWN: And we are on to 3.5.

12 MS. ALVARADO: 3.5 is 2024-055706, James  
13 Parascandola. In this case there was a one  
14 count administrative complaint alleging that  
15 the respondent was excluded from Harrah's  
16 Pompano Beach on September 22nd, 2024. He is  
17 therefore subject to exclusion from all  
18 pari-mutuel and slot machine facilities  
19 pursuant to Section 550.025(1)(6) and 551.112.

20 You were also provided the tracking that  
21 shows that he was served and failed to respond  
22 within 21 days. Therefore, the division would  
23 ask the commission enter an order finding that  
24 respondent was properly served with the  
25 administrative complaint, failed to respond

1 within 21 days, that the facts in the  
2 administrative complaint are the facts in this  
3 case, and concluding that the respondent shall  
4 be added to the permanent exclusion list for  
5 all pari-mutuel and slot machine facilities.

6 VICE CHAIR BROWN: Thank you.

7 Commissioners, again, if there are no  
8 questions, can we please get a motion to enter  
9 a final order permanently excluding the  
10 respondent.

11 COMMISSIONER D'AQUILA: I'll make a motion  
12 to permanently exclude the respondent.

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

15 COMMISSIONER REPP: Second.

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

18 (Unanimous affirmative vote.)

19 VICE CHAIR BROWN: And, Ms. Alvarado, if  
20 you don't mind since they are very similar, can  
21 you please present 3.6 and 3.7 together.

22 MS. ALVARADO: Yes, I can do that.

23 3.6 is 2024-058920, Leon Minott; and 3.7  
24 is 2024-058932, Alexis Mercado Perez. In both  
25 these cases, you were provided with a one count

1 administrative complaint seeking to suspend the  
2 respondent's pari-mutuel wagering professional  
3 individual occupational license due to an  
4 outstanding debt related to horse racing in the  
5 State of Florida pursuant to Section  
6 550.105(7). You were also provided the  
7 tracking that showed that both respondents were  
8 served and failed to respond within 21 days.

9 Therefore, the division would ask that the  
10 commission enter an order finding that both of  
11 these respondents were properly served, that  
12 they failed to respond within 21 days, that the  
13 facts in the administrative complaint are  
14 accepted as the facts in this case, and  
15 concluding that both respondent's pari-mutuel  
16 wagering professional individual occupations  
17 licenses shall be suspended until the  
18 commission receives confirmation that the  
19 payment has been satisfied.

20 VICE CHAIR BROWN: Thank you. And the  
21 amounts aren't substantial, but I agree with  
22 the staff recommendation on both items.

23 Commissioners, can we get a motion to  
24 approve the staff recommendation on Items 3.6  
25 and 3.7?

1 COMMISSIONER REPP: I'll make that motion.

2 VICE CHAIR BROWN: Is there a second?

3 COMMISSIONER D'AQUILA: I'll second that  
4 motion.

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

7 (Unanimous affirmative vote.)

8 VICE CHAIR BROWN: Thank you.

9 We are moving on to Consent Orders 4.1 and  
10 4.2. I will note we do have two speakers for  
11 4.1, so I would ask them to just come to the  
12 podium after our staff has been given an  
13 opportunity to present the item. Thank you.

14 MS. ALVARADO: Item 4.1 is 2024-015793,  
15 Stephen Kirby. In this case there was a three  
16 count administrative complaint alleging that  
17 the respondent was convicted of two misdemeanor  
18 offenses of petty theft in 2023, and failed to  
19 notify the commission of the arrest and the  
20 conviction.

21 Here the respondent has sent back a signed  
22 consent order and they're asking that the  
23 commission waive the restriction excluding  
24 offenders in 849.086, impose a fine of \$1,000,  
25 and a two-week suspension in lieu of

1 revocation.

2 VICE CHAIR BROWN: Thank you,  
3 Ms. Alvarado.

4 So we have two speakers. Mr. T.J. Morton,  
5 if you want to come to the mike, please. I  
6 also will note that we do have supplemental --  
7 the commissioners are in receipt of  
8 supplemental meeting material.

9 MR. MORTON: Thank you. Good morning,  
10 Commissioner Brown and members of the  
11 commission. T.J. Morton with the Lockwood Law  
12 Firm in Tallahassee on behalf of Mr. Kirby.

13 We are here today in support of the  
14 consent order and to answer any questions that  
15 the commission may have. Mr. Kirby is here  
16 with me today. He drove over from Jacksonville  
17 to address the commission in person,  
18 recognizing the seriousness of this matter and  
19 the importance to be here and answer the  
20 questions face to face.

21 We spent a good deal of time working with  
22 Ms. Alvarado and commission staff to reach a  
23 resolution that is fair and reasonable, and we  
24 believe this consent order achieves that. I  
25 would like to thank Ms. Alvarado and staff for



1 their professionalism and willingness to work  
2 with us.

3 As you noted, there are supplemental  
4 materials that include a statement from  
5 Mr. Kirby that explain the circumstances that  
6 led to the arrests as well as his decision to  
7 plead no contest to the charges. You should  
8 also have three statements in support of  
9 Mr. Kirby from his co-workers at the poker  
10 room.

11 With that said, Mr. Kirby would like the  
12 opportunity to address the commission in  
13 person, and if it's okay with Vice-Chair Brown  
14 if he could do that at this time.

15 VICE CHAIR BROWN: Absolutely. Thank you.

16 And welcome, Mr. Kirby. Thank you for  
17 coming to our facilities and participating in  
18 this process.

19 MR. KIRBY: Thank you and good morning.  
20 First, I would like to thank the commission for  
21 the time and resources that have been allocated  
22 to even give me the opportunity. I'm not  
23 entitled to a settlement, and I don't feel that  
24 way. I appreciate the fact that it's even  
25 being considered regardless of what the outcome

1 is.

2 This has been a very stressful time. I'm  
3 very sorry for what's happened. I've never  
4 been in any legal trouble before. I've never  
5 been arrested before this and it was very  
6 eye-opening. Definitely a deterrent. It will  
7 not happen again. It's been embarrassing to  
8 discuss this with my wife, to discuss this with  
9 my employer, who generally has a high opinion  
10 of me; how I found myself in this situation.  
11 And it was embarrassing to ask co-workers for  
12 letters of recommendation, which led to me  
13 explaining why I needed them.

14 I have had to think about this for a year  
15 now wondering if I was going to have to move  
16 out of the state to work somewhere else.  
17 That's not been fun. But I understand the  
18 seriousness of this and why it's so important.  
19 This particular issue in this particular  
20 industry, I do understand the seriousness of  
21 it. I also understand that while I received  
22 poor advice from a supervisor when this  
23 happened, I should have taken the onus on  
24 myself to report this to the Gaming Commission  
25 immediately, and I regret that that did not

1     happen.

2             And I apologize for taking that advice and  
3     not taking responsibility for my own gaming  
4     license.  It's not his and -- it's not his  
5     responsibility to know what I'm supposed to do  
6     with my own issues.  So, I just wanted to thank  
7     you for your time and answer any questions you  
8     might have.

9             VICE CHAIR BROWN:  Thank you, Mr. Kirby.  
10     And I really appreciated the materials that you  
11     had, your candor about the experience, and I  
12     know especially in a public forum as well is  
13     something that does not go unnoticed.  So,  
14     thank you.

15             Commissioners, do you have any comments or  
16     questions for Mr. Kirby or of staff?

17             COMMISSIONER D'AQUILA:  I do not, no.

18             VICE CHAIR BROWN:  Thank you.

19             All right.  Commissioners, would you like  
20     to entertain a motion here today?

21             I know Mr. Kirby talks about in his  
22     materials about allowing some leniency here.  
23     If commissioners are willing to review that and  
24     consider it, we are ripe for a motion.

25             COMMISSIONER DRAGO:  I mean, I'm willing

1 to do some discussion on it if we would like to  
2 at this point.

3 VICE CHAIR BROWN: Sure.

4 COMMISSIONER DRAGO: I think we need to --  
5 an offense such as this typically, if we had  
6 gotten this from somebody who was applying for  
7 a license we most likely would have denied it,  
8 especially since it's so close to this time.

9 I don't really know why we would consider  
10 at this point a settlement for something that  
11 we would never even grant a license for in an  
12 ordinary case. I personally would not want to  
13 accept this settlement at this point, so I  
14 would ask that the commission entertain a  
15 motion to deny the settlement.

16 VICE CHAIR BROWN: Before we do that,  
17 Commissioners, I just wanted to talk to -- have  
18 Ms. Alvarado address the thoughts in the  
19 settlement process here.

20 MS. ALVARADO: So, this obviously was  
21 presented by Mr. Morton on behalf of Kirby. We  
22 are just representing the settlement that he  
23 has presented to us.

24 VICE CHAIR BROWN: Yes.

25 MR. MORTON: Thank you.

1           I certainly understand the concerns. I  
2 think maybe something to consider in this  
3 particular case is, of course, the  
4 circumstances that led to this. One was a  
5 mistake. He doesn't deserve the benefit of the  
6 doubt for the mistake based off what he had  
7 done prior. The decision he made was a poor  
8 one; the circumstances were difficult. But I  
9 think in distinguishing this case from a  
10 license denial is Mr. Kirby has been working  
11 for 16 months in Florida at the card room. He  
12 is continuing to work at the card room right  
13 now and he hasn't had any issues.

14           I think in a license denial situation we  
15 don't necessarily know how that individual is  
16 going to act if they are placed in that  
17 position of working in a poker room. We know  
18 how Mr. Kirby is going to act because he has  
19 been doing it for 16 months without concern. I  
20 certainly recognize the concern that the  
21 commission has, though.

22           Prior to getting licensed in Florida, he  
23 has held licenses in other jurisdictions as an  
24 insurance salesman, as well as a poker dealer  
25 in Indiana, never had any issues. So he has

1 got -- I believe he's 40ish years old and never  
2 been arrested, never had any trouble prior to  
3 this last year.

4 And I understand it's recent, and I  
5 understand that it is a theft issue, but those  
6 are, I think, the distinguishing circumstances  
7 here is we know how he'll act in those  
8 situations because he has been doing it and he  
9 continues to do it. And he's never had an  
10 issue with his employer.

11 VICE CHAIR BROWN: Commissioner.

12 COMMISSIONER DRAGO: And I understand  
13 that, and I understand the importance of  
14 looking back on somebody's past performance.  
15 But when you look back on someone's past  
16 performance you can't exclude the negative  
17 performance, either. So we also have -- we  
18 also have -- we also have the information that  
19 he committed the crime twice and that shouldn't  
20 be neglected in his past performance when we  
21 look back on that as well.

22 And an important part of our job here is  
23 to protect the public. To make sure that we do  
24 everything we can to ensure that all our  
25 licensees are conducting themselves in a legal

1 safe manner for the public in the State of  
2 Florida. So it's a big responsibility, I  
3 think, on this commission whenever we look at  
4 any of these cases. And when I say that I  
5 don't mean that we don't consider the  
6 individual as well. And we certainly want  
7 people to be able to have jobs and to work and  
8 continue to work, but that balance is very,  
9 very important I know to all of us here on the  
10 commission to ensure that we do everything to  
11 protect the public.

12 And when an employee of a casino is  
13 actively committing crimes, it can't be  
14 ignored, and it certainly can't be just swept  
15 away with a two-week suspension and a fine, in  
16 my opinion. So that's why it is my position at  
17 this time that we not accept the settlement as  
18 it is.

19 VICE CHAIR BROWN: Thank you, Commissioner  
20 Drago.

21 Would you like to respond?

22 MR. MORTON: If I may. I would just like  
23 to clarify that while there are two charges and  
24 he was arrested for two incidents, it is our  
25 position that one of them was a pure mistake.

1 And he didn't get the benefit of the doubt for  
2 that one because of the prior one, but it was  
3 absolutely a mistake. He walked out of the  
4 store with -- he paid for \$70 worth of  
5 groceries, and he forgot to pay for some  
6 beverages below on his cart.

7 So, you know, I would like to just, you  
8 know, in my opinion and in his opinion it is  
9 one incident where he really did do something  
10 that he shouldn't have, and the other one was a  
11 mistake. But based off the circumstances --  
12 and he pled to both of them, so there are two  
13 counts on his record, but we believe that just  
14 one of them -- there is not a pattern, in our  
15 opinion.

16 VICE CHAIR BROWN: Commissioner Repp.

17 COMMISSIONER REPP: I do appreciate the  
18 statement. I believe it was heartfelt. I do  
19 believe that he is sorry for what happened and  
20 accepts responsibility. And the letters that  
21 he received, I do appreciate this. However, I  
22 do concur with Commissioner Drago's sentiments  
23 regarding this particular situation.

24 VICE CHAIR BROWN: Thank you.

25 Commissioner D'Aquila, any thoughts or



1 comments?

2 COMMISSIONER D'AQUILA: No. I concur with  
3 the Commissioners.

4 VICE CHAIR BROWN: All right. We are ripe  
5 for a motion now.

6 Commissioner Drago.

7 COMMISSIONER DRAGO: I move to deny the  
8 settlement.

9 VICE CHAIR BROWN: Is there a second?

10 COMMISSIONER REPP: Second.

11 VICE CHAIR BROWN: Any further discussion?  
12 All those in favor say aye.

13 (Unanimous affirmative vote.)

14 VICE CHAIR BROWN: Thank you.

15 Okay. We are moving on to 4.2.

16 MR. MARSHMAN: Madam Vice Chair?

17 VICE CHAIR BROWN: Yes, sir.

18 MR. MARSHMAN: If I may, since we are all  
19 here and this item is still before us, I  
20 think -- I would like to ask the commission to  
21 clarify for this individual, would you like  
22 staff to continue to try to reach a settled  
23 negotiation or how exactly would you like staff  
24 to proceed?

25 If we could get some direction on that

1 today that would help us save time. If there  
2 would be a need for a discussion on what type  
3 of settlement you would all be comfortable  
4 with, I would ask for that to be noticed  
5 publicly, be done in the shade as an  
6 attorney/client session, and what we could not  
7 do today because we would not have noticed it  
8 properly, but we could do that by the next  
9 meeting.

10 So I would just like to add that to  
11 consideration since we are all here today.

12 VICE CHAIR BROWN: Good point,  
13 Mr. Marshman.

14 Commissioner Drago.

15 COMMISSIONER DRAGO: I'm open to staff  
16 going back and discussing a settlement with  
17 other conditions. I don't know what that could  
18 be in my mind in terms of that. We could  
19 discuss that at a later time, but I'm open to a  
20 settlement discussion.

21 VICE CHAIR BROWN: Certainly.

22 Commissioners, are you concurrent?

23 COMMISSIONER REPP: I concur.

24 VICE CHAIR BROWN: So would it be  
25 appropriate to have a shade meeting?

1           MR. MARSHMAN: I think if we could get a  
2 motion today that directs staff to continue to  
3 explore settlement opportunities with this  
4 licensee, and if the commission would like --  
5 that's one motion. And if the commission would  
6 like to have a separate meeting in the shade  
7 where you could give us specific directions,  
8 specific wants, for instance, then I would ask  
9 for that to be publicly noticed in the future  
10 correctly and then done in the shade as an  
11 attorney/client session.

12           VICE CHAIR BROWN: That sounds good,  
13 Mr. Marshman.

14           I do think it's appropriate to have a  
15 shade meeting, particularly given the nature of  
16 the crime. And, of course, it would not be  
17 precedential by any means, but I'm sure we all  
18 have lots of thoughts about what would be  
19 appropriate in a settlement.

20           So, Commissioners, can we please get a  
21 motion to direct staff to continue negotiations  
22 on this matter?

23           COMMISSIONER D'AQUILA: So moved.

24           VICE CHAIR BROWN: Is there a second?

25           COMMISSIONER REPP: Second.

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

3 (Unanimous affirmative vote.)

4 VICE CHAIR BROWN: Thank you.

5 Can we also get a motion to authorize  
6 staff to notice a shade meeting at our next  
7 available agenda?

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 (Unanimous affirmative vote.)

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

16 MR. MARSHMAN: Thank you.

17 VICE CHAIR BROWN: Okay. We are moving on  
18 to 4.2.

19 MS. ALVARADO: 4.2 is 2024-047551, Ocala  
20 Breeder Sales Company. In this case there was  
21 a one count administrative complaint alleging  
22 that the respondent violated 849.086(6)(c) by  
23 allowing an unlicensed individual to work on  
24 the card room floor without a valid pari-mutuel  
25 occupational license. The respondent has no

1 prior violations of the statute. The  
2 respondent has sent back a signed consent order  
3 with a \$250 fine and has asked the commission  
4 to consider the settlement.

5 VICE CHAIR BROWN: Thank you,  
6 Ms. Alvarado.

7 Do we know where the individual is, the  
8 unlicensed individual is in the process?

9 MS. ALVARADO: They already have a  
10 license. We have granted their license since  
11 then.

12 VICE CHAIR BROWN: Okay. Thank you.

13 Commissioners, I'll entertain a motion to  
14 approve the consent order and settlement  
15 agreement.

16 COMMISSIONER D'AQUILA: I'll make a motion  
17 to approve the consent order and settlement  
18 agreement.

19 VICE CHAIR BROWN: Is there a second?

20 COMMISSIONER REPP: Second.

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

23 (Unanimous affirmative vote.)

24 VICE CHAIR BROWN: Thank you very much.

25 Okay. We are on to request for waiver,

1 Item 5.1.

2 MS. ALVARADO: Item 5.1 is 2024-048127,  
3 Cedric Green. Here the applicant applied for a  
4 pari-mutuel wagering general occupational  
5 license. Upon review of the application, it  
6 was discovered that he had a disqualifying  
7 offense of grand theft out of Palm Beach County  
8 in 2001. The applicant failed to list this  
9 offense on their application and seeks a waiver  
10 of the felony offense and issuance of his card  
11 room employee occupational license.

12 The applicant here is applying for  
13 security at Palm Beach Kennel Club. We  
14 presented this at the last meeting, and we have  
15 confirmed that he does have both a security  
16 license and a statewide firearm license. The  
17 waiver interview for this was conducted on  
18 August 27th, and it was documented in the  
19 meeting materials.

20 So here the commission can decide to grant  
21 the waiver and issue the applicant an  
22 occupational license, or, if not, we'd ask that  
23 you give us the authority to issue a letter of  
24 license denial in this case.

25 VICE CHAIR BROWN: Thank you,

1 Ms. Alvarado.

2 I remember this clearly, and I think it  
3 was -- I'm inclined to grant the license at  
4 this time based on all of the facts in the  
5 case.

6 Commissioners, do you have any comments?  
7 Questions?

8 COMMISSIONER DRAGO: No.

9 VICE CHAIR BROWN: Can we get a motion to  
10 grant the license?

11 COMMISSIONER DRAGO: I so move.

12 COMMISSIONER D'AQUILA: I will second  
13 Commissioner Drago's motion.

14 VICE CHAIR BROWN: Any discussion?  
15 All those in favor say aye.

16 (Unanimous affirmative vote.)

17 VICE CHAIR BROWN: Thank you.

18 Thank you for your work on this.

19 Okay. We are moving into license denials.  
20 We have three items and we have two speakers on  
21 the last item. Let's move to 6.1.

22 MS. ALVARADO: 6.1 is 2024-058288, William  
23 Saunders. Here the division received a  
24 complete application, and he is seeking a slot  
25 machine/card room pari-mutuel combination

1 occupational license. After review of the  
2 application, it was discovered that he had a  
3 felony offense for tampering with physical  
4 evidence from 2008 out of Miami-Dade County.  
5 He did not disclose this on the application.

6 This one was also presented at the last  
7 meeting because he is applying to be a security  
8 team lead at Dania. He does have a concealed  
9 weapon or firearm license, but does not have a  
10 security license at this time. Here the  
11 division would ask that the commission  
12 authorize issuance of a letter of license  
13 denial in this case.

14 VICE CHAIR BROWN: Okay. Commissioners,  
15 any questions of this?

16 I think we deferred this one just to  
17 double-check about the security license.

18 MS. ALVARADO: Right.

19 VICE CHAIR BROWN: And that is not why  
20 staff is recommending issuing the letter of  
21 denial?

22 MS. ALVARADO: Right.

23 VICE CHAIR BROWN: All right.

24 Commissioners, can I get a motion on this  
25 item, 6.1? Or we can talk about it.



1           COMMISSIONER DRAGO: Yes, if I could. The  
2     reason I'm hesitant is we're looking at a  
3     similar situation like we deal with so often  
4     where somebody committed an offense a long time  
5     ago, and as far as we know has rehabilitated  
6     himself and hasn't committed any other crimes,  
7     and he's got a state license, a firearm  
8     license, so -- and the nature of the crime is  
9     such that it doesn't really relate to his job  
10    function at all. So, in discussion, I lean  
11    towards granting him the waiver and allowing  
12    him to have the license, but I'm open to  
13    further discussion, of course.

14           VICE CHAIR BROWN: No, thank you for  
15    bringing the thought process on, too.  
16    Especially you point out that he's applying to  
17    be a security officer.

18           Commissioner Repp.

19           COMMISSIONER REPP: Yes. I'd like to, you  
20    know, concur with that thought, and to agree  
21    with the courts when they said that he was  
22    found to not likely engage in further criminal  
23    activity.

24           VICE CHAIR BROWN: Thank you.

25           COMMISSIONER D'AQUILA: (Microphone not

1 on) -- 2008?

2 VICE CHAIR BROWN: Uh-huh.

3 COMMISSIONER D'AQUILA: And there have  
4 been no subsequent issues with the law  
5 whatsoever?

6 MS. ALVARADO: No, nothing comes up.

7 COMMISSIONER D'AQUILA: And I also  
8 understand this is for a security position?

9 MS. ALVARADO: A security team lead, yes.

10 COMMISSIONER D'AQUILA: Thank you.

11 VICE CHAIR BROWN: Thank you.

12 Commissioners, can we get a motion to  
13 grant the waiver and authorize the -- and issue  
14 the license?

15 COMMISSIONER DRAGO: So moved.

16 MS. ALVARADO: For clarification, this is  
17 not a waiver --

18 (Overlapping conversation.)

19 VICE CHAIR BROWN: I just looked at it,  
20 too. Can we get a motion to grant the license?

21 COMMISSIONER DRAGO: So moved.

22 VICE CHAIR BROWN: Is there a second?

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

25 VICE CHAIR BROWN: Any discussion?

1           Seeing none, all those in favor say aye.

2           (Unanimous affirmative vote.)

3           VICE CHAIR BROWN: Thank you.

4           Item 6.2.

5           MS. ALVARADO: Item 6.2 is Nicky Choufany,  
6           2024-062644. The Division of Pari-mutuel  
7           Wagering received a completed application for a  
8           Nicky Choufany seeking a slot machine/card room  
9           pari-mutuel combination occupational license.  
10          After review of the application, it was  
11          discovered that the applicant was convicted  
12          of false/fraud insurance claim out of Broward  
13          County from 2007, grand theft in the third  
14          degree out of Broward County from 2007,  
15          criminal mischief over \$200 and under \$1,000  
16          out of Miami-Dade County from 2015, and petty  
17          theft from out of Miami-Dade County from 2015  
18          as well.

19          She did not disclose this on her original  
20          application and is seeking a barista food and  
21          beverage cashier job at the Big Easy Casino.  
22          Therefore, the division would ask that the  
23          commission authorize issuance of a letter of  
24          license denial in this case.

25          VICE CHAIR BROWN: Commissioners, any

1 comments or questions on this item? All right.

2 We are ripe for a motion.

3 COMMISSIONER DRAGO: I'll make a motion to  
4 accept the staff recommendation.

5 VICE CHAIR BROWN: Thank you. Is there a  
6 second?

7 COMMISSIONER REPP: Second.

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

10 (Unanimous affirmative vote.)

11 VICE CHAIR BROWN: Thank you.

12 Now we are on to 6.3. We have two  
13 speakers. If the speakers can come -- or one  
14 is on the phone, I believe, and her attorney is  
15 here with us. But, first, we are going to have  
16 our staff present the item before we turn to  
17 you.

18 Ms. Alvarado.

19 MS. ALVARADO: 6.3 is 2024-064811,  
20 Christine Storck. Here the Division of  
21 Pari-mutuel Wagering received a completed  
22 application for Christine Storck on November  
23 6th, 2024, for a pari-mutuel professional  
24 occupational license. The applicant was  
25 employed with the commission effective December

1 22nd, 2023. Section 16.71(5)(2), Florida  
2 Statutes, prohibits the applicant from holding  
3 a license issued by the commission under  
4 Chapter 550 by virtue of her employment with  
5 the commission during the two preceding years,  
6 therefore, the commission cannot grant the  
7 application.

8 VICE CHAIR BROWN: Thank you. We have a  
9 speaker here. Ms. Tana Storey. Welcome.

10 MS. STOREY: Hi, welcome -- or thank you  
11 for having me here and giving me the  
12 opportunity to present Dr. Christine Storck's  
13 case for approval of her pari-mutuel wagering  
14 license. Ms. Storck is on the line in case the  
15 commissioners have any questions, but I don't  
16 believe she intends to speak otherwise.

17 VICE CHAIR BROWN: Thank you.

18 MS. STOREY: First of all, the staff's  
19 position in this matter is that the statute  
20 should just be applied based on the face. I  
21 present, though, it's not that black and white.  
22 It is a very gray question here, and I think it  
23 might even be a question of first impression.

24 The reasons why you should grant this  
25 license is, first, I don't believe that the

1 statute was ever intended to capture a  
2 part-time seasonal employee who in this case  
3 only worked a total of 30 days, who is a  
4 licensed veterinarian, a much needed industry  
5 for the state and the pari-mutuel wagering  
6 permit holders as well.

7 She came to the state in 2023 to speak  
8 with Tampa Bay Downs about a third-party  
9 contract to provide Lasix services in their  
10 area, and while she was here she spoke with  
11 Mr. Maners, Steve Maners, who is the  
12 commission's regional program administrator for  
13 the central region. He indicated that they  
14 needed some assistance in the test barn; they  
15 were low staffed and needed veterinarians to  
16 come and work there.

17 She was concerned about the impact that  
18 could have on her taking this subsequent Lasix  
19 position in a couple of years when the current  
20 provider at that time retired.

21 She moved down here in 2024 -- or the fall  
22 of 2024 to take that very position, the Lasix  
23 position. She filed an application for a  
24 pari-mutuel wagering license so that she could  
25 avail herself of that opportunity. And it was

1 not until she filed that application that she  
2 learned about this statute.

3 And the reason why is when she first came  
4 in 2023, she had a pending application for a  
5 pari-mutuel wagering license. Doctor -- or  
6 Mr. Maners at that time informed her that that  
7 is not a problem, but she had to withdraw that  
8 license at the time because she could not work  
9 for the commission and hold a license.

10 He did not inform her about the statute  
11 that we are dealing with today. And, in fact,  
12 repeatedly informed her it would not be an  
13 issue, she could withdraw her application and  
14 then get the Lasix job later and reapply. He  
15 wrote that in an email to her and said it would  
16 not be a problem, and then as early of October  
17 of this year continued to tell her "It's not a  
18 problem. We need your assistance in the test  
19 farm. You can come work for us, and then take  
20 the Lasix position."

21 So she was induced to withdraw her  
22 original pari-mutuel wagering license, work for  
23 the state to her detriment based on Mr. Maners'  
24 representations. So I would submit that  
25 equitable estoppel is applicable here. She

1 will lose any ability to work for a pari-mutuel  
2 wagering -- a third-party contract or position  
3 for a pari-mutuel wagering entity for two  
4 years, and she can't work for the state either  
5 because if she does then that extends that  
6 two-year time frame, and she's left without any  
7 recourse.

8           So she relied on Mr. Maners who was in a  
9 position of authority with the commission to  
10 take a temporary job with the commission which  
11 is now impacting her livelihood, and the  
12 statute just wasn't drafted to do that. If you  
13 look at the statute it references Chapter 112.  
14 If you look to Chapter 112 -- well, there is no  
15 definition of employee in the commission's  
16 statute.

17           If you look at Chapter 112.313, there is a  
18 definition of employee there. It's a similar  
19 statute prohibiting legislative staff from  
20 working for two years or representing clients  
21 before the legislature, and it defines employee  
22 as including senior management, select exempt  
23 staff, the legislators themselves, as well as  
24 OPS employees that have the same level of  
25 management.



1           This statute references Chapter 112.  
2           There's no conflict between the two statutes.  
3           You can read the term "employee" in the  
4           commission statute as not encompassing seasonal  
5           temporary workers. And, in fact, it doesn't  
6           even consider the fact that the type of  
7           employee that is required to have a pari-mutuel  
8           wagering license goes down to janitors. You  
9           know, anyone that has access to certain areas  
10          of the facility, not their level of position.  
11          And I think that the statute should not be read  
12          black and white as staff is urging you here.

13           MR. CANNON: It needs to be read to effect  
14          the purpose of the statute, which was not to  
15          prevent a licensed veterinarian who works  
16          30 days from taking a job that she has been  
17          waiting for for two years. And I think that  
18          she deserves a chance and it needs to be  
19          granted.

20           VICE CHAIR BROWN: Thank you, Ms. Storey.  
21          Commissioners, before we turn it over to  
22          staff, do you have any questions for Ms. Storey  
23          or Doctor Storck?

24           COMMISSIONER DRAGO: I don't, no.

25           VICE CHAIR BROWN: Thank you. You do

1 provide obviously very pertinent information  
2 and facts, and they are somewhat persuasive,  
3 but I want to hear from our lawyers. So, thank  
4 you.

5 Ms. Valentine.

6 MS. VALENTINE: Commission staff believe  
7 that the memo and the meeting materials speak  
8 for themselves.

9 VICE CHAIR BROWN: Commissioner D'Aquila.

10 COMMISSIONER D'AQUILA: I do have a  
11 question. Your point about part-time seasonal  
12 employees, in your research in preparing for  
13 this presentation today have you any cases in  
14 the State of Florida whereby this has been  
15 contested, albeit with other agencies, or that  
16 have a similar restriction where an industry is  
17 sensitive to knowledge gained when employed  
18 within that industry of it being shared within  
19 a relatively short period of time?

20 In other words, do you have any case law  
21 to support the notion -- or, excuse me, your  
22 assertion that a seasonal employee is not  
23 covered by -- excuse me, it's 1.12?

24 MS. STOREY: Are you referring to Chapter  
25 112?

1           COMMISSIONER D'AQUILA: 112, yes.

2           MS. STOREY: Okay. I don't have case law  
3 to cite to you today. I didn't know we would  
4 get into that level of detail, but the  
5 statute -- the Commission statute references  
6 Chapter 112 as applying here. And under that  
7 statute it specifically says throughout the  
8 statute that only people that are restricted  
9 with the two-year limitation are those of the  
10 senior management, select exempt type service,  
11 not your typical employees, not assistants, you  
12 know, janitors, contractors. It's the people  
13 with the management and authority, regulatory  
14 authority.

15           Here she has no oversight over anyone.  
16 She tests -- she provided tests in the test  
17 barn. That's all she did. And she has no  
18 insight into anything. Nor would a janitor on  
19 the backside have necessarily insight into  
20 anything. It's overreaching. The statute is  
21 just overreaching.

22           COMMISSIONER D'AQUILA: A licensed  
23 veterinarian you're putting in the same  
24 category as a janitor?

25           MS. STOREY: Well, if you think about how

1 the pari-mutuel works, the need for the license  
2 isn't the level necessarily that you are  
3 working at, but the area of the facility that  
4 you're in. If you access the backside you have  
5 to have a pari-mutuel wagering license.

6 COMMISSIONER D'AQUILA: But my original  
7 question that I believe the answer is no?

8 MS. STOREY: No, none that I can cite to  
9 you right now, but I'm happy to research and  
10 get back to you.

11 VICE CHAIR BROWN: Commissioners?

12 I have a question about the OPS and 112.  
13 Does 112 specifically -- it does not include  
14 OPS?

15 MS. STOREY: The corresponding statute  
16 that's most on point to this restriction is  
17 112.313 regarding legislative staff. And in  
18 that statute -- if you will give me a second I  
19 will pull it up -- in that statute under --

20 VICE CHAIR BROWN: I can give you a little  
21 break and ask our staff another question if  
22 you're --

23 MS. STOREY: Okay. Well, I have it right  
24 here. It says "Any person, including other  
25 personal services employee, having the power

1 normally conferred upon the positions  
2 referenced in this subparagraph are included,  
3 and it involves executive directors, staff  
4 directors, legislative committee, that type of  
5 position."

6 VICE CHAIR BROWN: Okay.

7 Ms. Valentine, Ms. Storey indicated that  
8 this is a question of first impression. Is  
9 that accurate? I mean, not necessarily to the  
10 gaming commission, but let's say the prior  
11 pari-mutuel wagering division.

12 MS. VALENTINE: In terms of having an  
13 issue like this come up, I'm not aware of any  
14 that have come up while I have been employed  
15 with the commission.

16 VICE CHAIR BROWN: Mr. Marshman, any  
17 additional comments?

18 MR. MARSHMAN: My only comment would be  
19 that I think the speaker has outlined that the  
20 problem lies with the statute, not with the  
21 commission being bound to follow it. So, you  
22 are members of the executive branch, it is your  
23 job to execute the law, not write the law, not  
24 change the law, not wish the law would work  
25 differently than it is written. So I would

1 encourage the commission to consider carefully  
2 staff's memo and please ask us any other  
3 questions if you have them.

4 VICE CHAIR BROWN: No, excellent. Thank  
5 you, Mr. Marshman. That's what I was looking  
6 to hear.

7 Commissioners, any comments or questions?  
8 Okay. Then we are ripe for a motion right now.

9 I think Commissioner Drago is going to  
10 make that motion.

11 COMMISSIONER DRAGO: I accept the  
12 challenge.

13 VICE CHAIR BROWN: I knew you would.

14 COMMISSIONER DRAGO: I move to accept the  
15 staff recommendation.

16 VICE CHAIR BROWN: Is there a second?

17 COMMISSIONER D'AQUILA: I'll second it.

18 VICE CHAIR BROWN: Is there discussion?

19 All those in favor say aye.

20 (Unanimous affirmative vote.)

21 VICE CHAIR BROWN: Thank you.

22 Thank you for your participation.

23 MS. STOREY: Thank you. Commissioner, may  
24 I make a statement for the record?

25 We talked to staff beforehand and they

1 said that we would be able to --

2 VICE CHAIR BROWN: Is that accurate after  
3 the item has been approved?

4 MR. MARSHMAN: If the applicant would like  
5 to withdraw her application, she may do so at  
6 any time.

7 MS. STOREY: Yes, that is what I would  
8 like to put on the record. That through no  
9 fault of her own, she is in the situation that  
10 her application has now been authorized to be  
11 denied, so she would like to withdraw her  
12 application for fear of future ramifications in  
13 other jurisdictions.

14 VICE CHAIR BROWN: Thank you. Is there  
15 anything that we have to do as a matter of  
16 order here after that statement has already  
17 been made?

18 MR. MARSHMAN: May I have a moment to  
19 confer with counsel?

20 VICE CHAIR BROWN: Yes.

21 MR. MARSHMAN: Thank you.

22 (Pause.)

23 If I may, I think given the unique  
24 circumstances of this arrangement today, I  
25 would be comfortable with a motion -- if a

1 commissioner proposed a motion that is to  
2 rescind prior authority to staff to issue a  
3 notice of intent to deny the license, given the  
4 licensee's or the applicant's intent to  
5 withdraw her application if the commission were  
6 going to deny it.

7 I don't think that that is typical. We  
8 would not want you all to have to weigh in on  
9 such licensing matters ordinarily. I think  
10 that would slow down the process. But, again,  
11 because of everyone here today and because of  
12 counsel's statements, I think that would be  
13 appropriate today in these unique  
14 circumstances.

15 VICE CHAIR BROWN: I have not had a lot of  
16 coffee today, so could you please restate the  
17 appropriate motion, though, that the commission  
18 should state on the record here today.

19 MR. MARSHMAN: Hopefully.

20 VICE CHAIR BROWN: Thank you.

21 MR. MARSHMAN: So, I would appreciate a  
22 motion from the commission to rescind its prior  
23 authority to the commission staff to issue a  
24 notice of intent to deny based on the unique  
25 arrangement of today's discussion.



1 VICE CHAIR BROWN: Okay. That was great.  
2 Commissioners, can we please get a motion  
3 to rescind staff's prior authority to  
4 commission staff to issue a notice of intent to  
5 deny as stated by Mr. Marshman.

6 COMMISSIONER DRAGO: So moved.

7 VICE CHAIR BROWN: Is there a second?

8 COMMISSIONER REPP: Second.

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

11 (Unanimous affirmative vote.)

12 VICE CHAIR BROWN: Thank you. Again,  
13 thank you for your participation.

14 Okay. We are going to be moving along to  
15 Items 7.1 and 7.2. These are discussion of  
16 policies and procedures. One is with the  
17 Department of Law Enforcement.

18 Good morning.

19 MR. HEROLD: Good morning. Carl Herold  
20 for the record. I have two policies for law  
21 enforcement. These are actually the final two  
22 policies of the initial batch, and these  
23 hopefully will go pretty easily.

24 The first one is dealing with Brady  
25 information. And Brady information has to

1 do -- it is guided by the U.S. Supreme Court  
2 and Florida Statutes in the way that any kind  
3 of exculpatory information is gained during  
4 criminal investigations and that it has to be  
5 shared with the prosecutors and with the  
6 defense. And the policy simply codifies what's  
7 within the Supreme Court ruling and within  
8 Florida Statute and establishes procedures  
9 about how we report those -- that information  
10 to the prosecutors and whichever respective.

11 VICE CHAIR BROWN: Thank you, Mr. Herold.  
12 Commissioners, are there any questions?

13 COMMISSIONER DRAGO: No. I would just  
14 like to say I think it's a very important  
15 policy that sometimes gets overlooked. I think  
16 it's critical that we have such a policy and I  
17 think it was a great job, everybody that put it  
18 together, and it's very comprehensive, and I  
19 appreciate the work on it.

20 MR. HEROLD: Thank you, Commissioner. And  
21 I, too, believe that it is very important.  
22 It's one of the fundamental parts of having an  
23 ethical law enforcement unit.

24 COMMISSIONER DRAGO: Agreed.

25 VICE CHAIR BROWN: As well as the next

1 one, too.

2 MR. HEROLD: As well, and this one is  
3 background investigations and appointment of  
4 certified officers. And this deals  
5 specifically with the background investigations  
6 for certified law enforcement officers, and it  
7 simply codifies what's already within FDLE's  
8 guidelines for establishing procedures and what  
9 are the appropriate procedures for  
10 investigating and appointing law enforcement  
11 officers. And then it also incorporates one of  
12 our previous policies that we have as far as  
13 nondiscriminatory practices and fair hiring  
14 practices.

15 VICE CHAIR BROWN: Commissioners, are  
16 there any questions on the 7.2 policy? If not,  
17 can we get a motion to approve Policies  
18 02.17.01 and 02.67.01 as presented?

19 COMMISSIONER REPP: I will make that  
20 motion.

21 VICE CHAIR BROWN: Is there a second?

22 COMMISSIONER DRAGO: So moved.

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

25 (Unanimous affirmative vote.)

1           VICE CHAIR BROWN: Thank you, Director  
2 Herold.

3           MR. HEROLD: Thank you.

4           VICE CHAIR BROWN: Okay. We are moving on  
5 to -- greyhound rules are back for the last  
6 time.

7           MS. VALENTINE: Item 8.1 pertains to the  
8 final adoption of changes to certain rules  
9 promulgated by the Florida Gaming Control  
10 Commission to reflect the prohibition on live  
11 greyhound racing in Florida.

12           Commission staff requests approval of the  
13 final language of the rules and requests that  
14 the commissioners authorize Executive Director  
15 Ross Marshman to execute all documents  
16 necessary to effectuate the adoption of the  
17 rule.

18           VICE CHAIR BROWN: Thank you very much. I  
19 know it's been a long time coming, so thank you  
20 for you and your staff for working on this.

21           Commissioners, are there any questions on  
22 this? Okay. Can we please get a motion to  
23 approve the language in the final rule and  
24 authorize Executive Director Marshman to  
25 execute all documents necessary to effectuate

1 this?

2 COMMISSIONER REPP: I will make that  
3 motion.

4 VICE CHAIR BROWN: Is there a second?

5 COMMISSIONER D'AQUILA: I'll second that  
6 motion.

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

9 (Unanimous affirmative vote.)

10 VICE CHAIR BROWN: Thank you very much.

11 Now we are on to Executive Director  
12 updates.

13 Mr. Marshman.

14 MR. MARSHMAN: Good morning, again. If I  
15 may, I have four items, and this is the order  
16 I'd like to do them in. First is have an  
17 update from Director Herold about law  
18 enforcement activities for the past month;  
19 second, recognize certain employees for their  
20 contributions to the commission; third, address  
21 scheduling for the commission meetings in the  
22 coming future; and, finally, have an  
23 appropriate acknowledgment of the former  
24 executive director, Louis Trombetta, efforts  
25 with the Commission.

1           VICE CHAIR BROWN: Thank you. That's  
2 great. So we'll go right to that.

3           Director Herold who has been very, very  
4 busy.

5           MR. HEROLD: Good morning. Thank you,  
6 again. Carl Herold for the record. Again, if  
7 the Deputy ED will indulge me, I'll give you a  
8 little more than information than just simply  
9 what we've done over the last month.

10           First, I'd like to start with kind of a  
11 personnel update to give you an idea of what's  
12 going on within the gaming enforcement unit.  
13 If you will recall that we were given  
14 additional positions in the legislative  
15 session, so we have been working real hard to  
16 fill out those additional positions, and so I  
17 just want to kind of give you a thumbnail  
18 sketch of where we're at.

19           We had interviews for agent positions in  
20 both north unit and central unit last week,  
21 and -- or it might have been the week before.  
22 We selected three that will be going into  
23 background. We have interviews for our  
24 accreditation manager today, and so we'll  
25 hopefully be selecting someone as our

1 accreditation manager. I can't stress enough  
2 the importance of having an accredited law  
3 enforcement unit, and this will be one of the  
4 many steps for us to get to that goal, and so  
5 we're hoping to select somebody from that.

6 Since our last meeting, we hired a  
7 criminal analyst to replace our promotion. If  
8 you will recall last meeting I shared with each  
9 of you that we promoted one of our analysts up  
10 to analyst supervisor, and so we have selected  
11 another analyst.

12 We have selected an evidence property  
13 custodian and she has begun work with us. And  
14 then we have also -- Mr. Taupier has been our  
15 legal advisor, and he's been tagged to be the  
16 Deputy General Counsel, and we are certainly  
17 unhappy about losing him, but we have hired a  
18 new legal advisor, Cayelan. Cayelan is a  
19 fantastic hire, much experienced. We were able  
20 to hire her away from the local circuit. She  
21 was a felony prosecutor with the State  
22 Attorney's Office here.

23 And I won't go into all the negative  
24 comments I received from my partners in law  
25 enforcement for having hired all these

1 individuals away from them, but I will tell you  
2 that we continue here within the gaming  
3 enforcement unit, we continue to hire the best  
4 in the law enforcement community. I'm very  
5 proud for that work, and I think it's a credit  
6 to the commission that the commission has set  
7 for us, and I think it also has to do a lot  
8 with their desire to be involved in something  
9 that I think is very instrumental.

10 Any questions so far? I know Commissioner  
11 Drago always has a question.

12 COMMISSIONER DRAGO: I've always got  
13 something to say. (Laughter.) No, I'm good.

14 I just want to recognize the work you and  
15 Lisa are doing to do all these hires. I know  
16 it's a collaborative effort and there's a lot  
17 of work that goes into these hiring and  
18 selecting people and advertising and the whole  
19 thing, and I just appreciate that very much.  
20 Because this is such an important part of what  
21 we all do is getting good people on staff. So  
22 thank you, both of you, for doing all of that  
23 and everybody else that's involved in it.

24 MR. HEROLD: Well, I'm going to talk more  
25 about that in just a few minutes, so don't



1 steal my glory.

2 (Laughter.)

3 COMMISSIONER DRAGO: Oh, sorry.

4 MR. HEROLD: The next thing I'd like to  
5 talk about is our -- the kind of activity that  
6 we've had over the last month in the gaming  
7 enforcement unit. And some of this may seem  
8 routine, but there are some items on here that  
9 I would really like to stress.

10 This past month the law enforcement unit  
11 touched 54 active investigations that we've got  
12 out there. We were able to close 17 illegal  
13 casinos across the state, and that's through  
14 our partnerships with local law enforcement.  
15 \$152,000 seized through the work.

16 The intelligence and analytical folks did  
17 five background investigations on individuals.  
18 Three background investigations on businesses.  
19 I've got ahead of myself a little bit here.  
20 They also worked on two confidential informant  
21 source packets, and I'll circle back to that  
22 here in just a moment, but those are essential  
23 to what we are trying to do farther on down the  
24 road.

25 And then lastly, they attended ten intel

1 meetings, and those intel meetings are  
2 absolutely essential for that transfer of intel  
3 information because the criminals move in  
4 realtime and we have to be prepared to react in  
5 near realtime as it goes.

6 In addition to the training that the  
7 agents and the analysts received this past  
8 month, the analysts got some training on link  
9 analysis. Consumer Sentinel, which is a piece  
10 of software about how money is moved around in  
11 criminal organizations, so how to track that  
12 and recognize trends and those kinds of things  
13 like that.

14 Financial investigations. Cell tower  
15 mapping, everybody carries one of these with  
16 them, and the information that comes from that  
17 is quite important.

18 Leveraging open source intelligence and  
19 investigative fraud rings. And then the  
20 agents -- and this is why I circled back around  
21 to confidential informants -- the agents  
22 received three days worth of training in the  
23 cultivation and management of confidential  
24 resources. In these undercover operations,  
25 having confidential informants is incredibly

1 important, and so that source packet is the  
2 culmination of that as we develop these  
3 confidential sources and we begin to look at  
4 these packets and determine the importance of  
5 these individuals and the veracity of the  
6 people that want to be our confidential  
7 informants.

8           And then the last thing, the thing that I  
9 would really like to, on the activity sheet to  
10 share with you is we received 210 reports of  
11 illegal gambling this past month. And the  
12 reason I think that's so important is to  
13 recognize that we've got 16 law enforcement  
14 individuals and nine support folks. And so,  
15 quite frankly, we are receiving ten times the  
16 number of complaints per month than we actually  
17 have individuals to service those complaints.  
18 And the guys -- the guys and gals are doing a  
19 fantastic job. It's just there's a lot of  
20 activity that's being reported to us, and, you  
21 know, if we had more people I think we could do  
22 a lot more work.

23           VICE CHAIR BROWN: I think this is great,  
24 and I appreciate the monthly summaries. It's  
25 only growing and increasing tremendously and

1 that is, again, a tribute to your leadership.

2 COMMISSIONER DRAGO: I agree, and I think  
3 it's a sign of the success, that the more we  
4 get the word out the more people know that we  
5 are here. And what we're doing, the more  
6 reports we are going to get obviously. So it's  
7 one of those things that the harder you work  
8 the more work you're going to create. So we're  
9 always going to be busy for sure, but that's a  
10 great job in getting the word out so that  
11 people know we're here and are making these  
12 reports.

13 VICE CHAIR BROWN: Commissioner D'Aquila.

14 COMMISSIONER D'AQUILA: Yes. I would like  
15 to commend you, Director Herold, especially in  
16 the area of the level of cooperation that I'm  
17 seeing every month with all of our law  
18 enforcement agencies throughout the great State  
19 of Florida.

20 I recall some of the challenges we had  
21 back in month one when you joined, and it is  
22 extremely positive to see how many counties are  
23 now working on a regular basis with the Florida  
24 Gaming Control Commission and specifically your  
25 team.

1 MR. HEROLD: Thank you.

2 VICE CHAIR BROWN: Thank you.

3 Commissioner Repp, she definitely has  
4 comments I'm sure too, as well.

5 COMMISSIONER REPP: And to build on  
6 Commissioner D'Aquila, I would like to say not  
7 only are they -- the cooperation and the press  
8 we're getting, it's also these cooperating  
9 entities saying really positive things about  
10 working with our agency which is so great to  
11 see that not only do we have the cooperation,  
12 that we really have the support and wonderful  
13 things being said that I have seen recently in  
14 the press are really positive.

15 I'm excited to see what more comes, and  
16 also, yes, the better you do, the more work you  
17 have, and I don't think anybody's ever going to  
18 say "Oh, we have too many employees ever in law  
19 enforcement." Because there's just never  
20 enough to address everything that's out there.

21 And I'm encouraged that we have these  
22 numbers set aside and we are documenting these  
23 numbers somewhere hopefully so that we can  
24 present them and make this part of our argument  
25 to increase the numbers of not just law

1 enforcement, but also our support staff.

2 VICE CHAIR BROWN: Thank you, Commissioner  
3 Repp.

4 Again, thank you, Director Herold.

5 MR. HEROLD: Next?

6 VICE CHAIR BROWN: Next.

7 MR. HEROLD: You know, this is the last  
8 meeting of the calendar year, and I'd like to  
9 take a couple of minutes to just reflect on  
10 what in law enforcement we have done for the  
11 last year and where we've come.

12 First, you know, one of the biggest  
13 challenges as we came into this from the law  
14 enforcement perspective was to make sure that  
15 folks knew that we were here. You know, what  
16 our job was, that we were here, and try to help  
17 educate everybody. And so there's been a great  
18 deal of public exposure, of public outreach  
19 through this year. We continue to seek and  
20 inform law enforcement.

21 I was astonished this past week. I was in  
22 a law enforcement executive meeting and they  
23 asked me to speak, and two people came up to  
24 me, law enforcement executives, and said, "I  
25 didn't know we had a gambling enforcement --

1 law enforcement unit in the State of Florida."

2 So, while we have done great work, I think  
3 that there is still much work to be done and,  
4 you know, we're going to continue to do that,  
5 help inform our law enforcement partners, help  
6 educate the prosecutors and the public, and so  
7 that's one of the things.

8 I kind of touched on it earlier, as far as  
9 positions, we got new positions and we continue  
10 to grow the unit. I'm extremely pleased with  
11 the quality of the individuals that we're  
12 getting in our unit, you know, so we continue  
13 to grow the unit through hiring through these  
14 policies and other things that help support the  
15 overall law enforcement mission.

16 We continue to increase the expertise of  
17 our unit through training and through  
18 partnerships with other law enforcement where  
19 we share intelligence and understanding of how  
20 to investigate illegal gambling activity. So  
21 we continue to increase our expertise. And,  
22 you know, there's never an end to it. It's  
23 always a continuing effort, and so I'm very  
24 proud of the work that we have done this year  
25 where we have been able to train, increase our

1 expertise, and then lastly what has already  
2 been mentioned and that is the partnerships.

3 We continue to build partnerships. This  
4 work that we're involved in is one that is so  
5 large that I don't think any one agency can  
6 actually handle it. And to be successful in  
7 having a dent in illegal gambling enforcement,  
8 we have to have partnerships. And I'm very  
9 proud for the work that we have done up to this  
10 point with local law enforcement, county law  
11 enforcement, our state partners, and even the  
12 federal law enforcement partners, and we  
13 continue to build on that. And so I felt like  
14 it was incumbent upon me to share that  
15 information and make it part of kind of the  
16 last bow on the meeting for the calendar year.  
17 So, thank you for indulging me with that.

18 And then the last thing, I get kind of  
19 misty eyed and reflective at this time of  
20 season and I want to give thanks, and I want to  
21 talk about how thankful I am for a couple of  
22 things. One thing is I know the commission  
23 will be talking about Lou later, but I would  
24 like to thank Lou for all the work that he has  
25 done in supporting our law enforcement unit in



1 his time here. We will certainly miss him.  
2 But, life is change, and so we understand that  
3 and we wish him -- I personally wish him  
4 nothing but the best of luck.

5 Also, I -- much of what Commissioner Drago  
6 said, I want to thank everybody in FGCC. You  
7 only have to look at this table, look at the  
8 back bench and these folks, the success of the  
9 gaming enforcement unit is completely dependent  
10 upon our folks within FGCC from the people that  
11 are at this table to the people that are in  
12 south Florida, all over the place. And I want  
13 to take that opportunity to, you know, express  
14 my gratitude to them.

15 Next, I want to thank you. I want to  
16 thank each and every one of you for the  
17 guidance and the support that you give to us.  
18 It's absolutely phenomenal, and we really do  
19 appreciate everything that you do for us.

20 I just want to appreciate the Florida  
21 legislature for having the foresight to create  
22 the law enforcement unit and giving us the  
23 opportunity. I want to thank Governor DeSantis  
24 for supporting us.

25 And then the last thing is and certainly

1 not the least is I want to thank all the people  
2 who work with me in the gaming enforcement  
3 unit, the men and women, the law enforcement  
4 professionals. These are some of the most  
5 amazing individuals that you'll meet. Their  
6 dedication to what we're doing is phenomenal.  
7 Their commitment, their belief in what we are  
8 trying to do and to better what we are doing is  
9 fantastic. And their sacrifice. You know, law  
10 enforcement is one of those kind of things that  
11 you're not successful if you're not prepared to  
12 sacrifice. And so I know that was a lot, and I  
13 apologize for taking up your important time,  
14 but I felt like all those things needed to be  
15 said, and I appreciate and am very grateful for  
16 everything that we've got here.

17 VICE CHAIR BROWN: Thank you, Director  
18 Herold. And I'm happy that you went through  
19 all of those items, too, not just for our own  
20 benefit, but for the public as well so they  
21 know everything that you're doing. And I agree  
22 with all the comments that you made regarding  
23 our staff. But that's not the conclusion of  
24 our meeting. Oh, no. It may have felt like  
25 it, but it is not.

1           Commissioners, any comments before we go  
2 back to Director Marshman?

3           COMMISSIONER DRAGO: No.

4           VICE CHAIR BROWN: Okay. Thank you.  
5 Director Marshman.

6           MR. MARSHMAN: Thank you. So, continuing  
7 on one of the trends that Director Herold has  
8 already highlighted, which is recognizing the  
9 employees that you have serving you all,  
10 serving the State of Florida, and those that  
11 are doing exemplary work and going above and  
12 beyond.

13           It isn't just the law enforcement unit,  
14 it's everyone. And because of that, I asked  
15 Lisa Mustain to put together an employee of the  
16 month recognition program more or less. We are  
17 still working on the name, but we asked  
18 division directors to work with their managers  
19 to get nominations up to us for exemplary  
20 employees.

21           And I can tell you that there were many  
22 more nominations that we got than the people I  
23 will highlight today, and I think that is a  
24 great sign of the acknowledgment already that  
25 the managers, the senior managers already see

1 for their employees. So I'm looking forward to  
2 sharing not only the people today that have  
3 been highlighted, but those in the future that  
4 I think are also deserving.

5 VICE CHAIR BROWN: I think this is a great  
6 program, Mr. Marshman. I'm very excited about  
7 it. I think the employees will enjoy it as  
8 well.

9 MR. MARSHMAN: Hopefully. There are some  
10 that will be present today, those that work  
11 here in Tallahassee, but there are at least two  
12 that are not present. And one thing I will  
13 have to do better in the future is figure out a  
14 way that they can be present and on the phone,  
15 on the video, something just so that they can  
16 be, you know, here as much as the people that  
17 just happen to work here. I don't think their  
18 contributions are any less. They just happen  
19 to be four or five hours away.

20 So, with that, the first person that I  
21 would like to acknowledge that comes from the  
22 administration side of the house is Steven  
23 Baird. He is an accounting services analyst.  
24 Now, this is someone else's narrative, but I  
25 would like to read it because I think it does a

1 good job capturing the work that he's doing.

2 Steve is a huge asset to the FGCC. Since  
3 day one, he has hit the ground running and was  
4 able to step in and complete FGCC's financial  
5 statement work when the accounting chief  
6 unexpectedly resigned from his position. He is  
7 accurate, knowledgeable, dedicated, and has a  
8 great attitude.

9 COMMISSIONER DRAGO: Is Steven here?

10 VICE CHAIR BROWN: Steve, are you here?  
11 Because we're going to call them out and raise  
12 them up. Congratulations, Steve.

13 MR. MARSHMAN: I would note that each of  
14 the employees of the month will receive a  
15 certificate kind of just memorializing that  
16 they were an employee of the month and also a  
17 small token of the commission's appreciation.

18 VICE CHAIR BROWN: Thank you.

19 MR. MARSHMAN: Next is Ms. Ebonie Lanier  
20 (phonetic). She is in the Office of General  
21 Counsel, and this is the narrative that I was  
22 provided, but I will also speak on her because  
23 I have known her for a long time.

24 She is an invaluable member of the OGC  
25 team and is chosen as employee of the month

1 because of her dedication, integrity,  
2 professionalism, work ethic and positive  
3 attitude. Her exemplary performance reflects  
4 the core values of the Florida Gaming Control  
5 Commission. Ebonie supports all functions of  
6 the office of the General Counsel and  
7 collaborates effectively with her colleagues.

8 COMMISSIONER DRAGO: Ebonie, are you here?

9 MR. MARSHMAN: Ebonie?

10 VICE CHAIR BROWN: Yeah.

11 (Applause.)

12 MR. MARSHMAN: Thank you. I have known  
13 Ebonie since before we were a commission. She  
14 used to work with us at the Department of  
15 Business and Professional Regulation. She has  
16 been in state government for many years, and  
17 she has been a great personal ally to me as  
18 well. So I wanted to highlight that as well  
19 for her.

20 Next is a member of Director Herold's  
21 team. It's Ken Parker, and his narrative is  
22 too long.

23 (Laughter.)

24 MR. MARSHMAN: But I think that is a  
25 testament, though, to how much Agent Parker

1 contributes and how much he is appreciated by  
2 Director Herold and Chief Snyder and the rest  
3 of the Commission team.

4 So here are some of the highlights as best  
5 I can do. He is an invaluable member and  
6 leader within the DGE and has played a critical  
7 role in building our foundation as a new  
8 criminal justice agency. Ken consistently  
9 shows initiative, going above and beyond his  
10 assigned responsibilities. He was hired as one  
11 of the first four members of the FGCC and the  
12 division did not have a report management  
13 system, or RMS, at the time he was hired.

14 As a special agent, he worked with the  
15 vendor and our IT Department to get the RMS  
16 system operational so that the division could  
17 properly document investigations and evidence  
18 in addition to carrying his own investigative  
19 caseload. He continues to maintain constant  
20 communication with the vendor to address the  
21 frequent ongoing issues we encounter with the  
22 system on a regular basis.

23 He currently oversees all aspects of the  
24 evidence and property management for the FGCC  
25 and strives to ensure that all measures are

1 taken to secure the integrity of investigations  
2 through the proper storage and maintenance of  
3 evidentiary items.

4 He was also recently promoted within the  
5 agency to that higher level position that is  
6 described here, so he has also received a  
7 well-deserved promotion as well. So, I don't  
8 believe given the nature of his work that Agent  
9 Parker is here, but I would still like to have  
10 him be acknowledged.

11 VICE CHAIR BROWN: Thank you. We've got  
12 one more.

13 MR. MARSHMAN: I have at least three.

14 Next I have from the Southern Region  
15 Ezekiel Murphy. He was nominated by Beatriz  
16 McGee, so these are members of your state  
17 compliance team.

18 This is written from Ms. McGee's  
19 perspective. During my absence in the field as  
20 well as my recent time off for maternity leave,  
21 Ezekiel's dedication and hard work has provided  
22 a smooth operation of the compact compliance  
23 unit. I am truly grateful for Zeke's proactive  
24 approach consistently providing alternative  
25 methods to overcome challenges, and lending



1 assistance during high pressure situations.

2 His professionalism and his efforts have  
3 not only kept things running seamlessly, but  
4 also demonstrate his strong leadership skills  
5 and ability to step up when needed the most, as  
6 mentioned by all of those who have had the  
7 pleasure of working alongside him.

8 Zeke's attention to detail and  
9 collaborative spirit have been invaluable to  
10 the entire team and his support has truly made  
11 a positive impact on our work and our overall  
12 work environment both in the office and out in  
13 the field.

14 COMMISSIONER DRAGO: Congratulations.

15 VICE CHAIR BROWN: Congratulations.

16 MR. MARSHMAN: The next one is from the  
17 Central Region. This is in the operations  
18 unit, and they were nominated by Glenda Ricks.

19 Evan Holley (phonetic) is a pari-mutuel  
20 operations specialist with the Division of  
21 Pari-mutuel Wagering's Office of Operations in  
22 the Central Region. Evan has been with the  
23 unit since 2021. His responsibilities include  
24 visiting all facilities in the central region  
25 assisting with licensing needs. He is

1 consistently professional and pleasant in his  
2 interactions with the public and his coworkers.  
3 He can be counted on to assist with any  
4 question or situation that may arise in the  
5 central region. His dedication is truly an  
6 asset to the division and to the commission as  
7 a whole.

8 VICE CHAIR BROWN: Congratulations.

9 MR. MARSHMAN: Ms. Swain nominated Karen  
10 Stelter (phonetic). Karen, are you here? She  
11 is not.

12 Well, this was what I was provided about  
13 Ms. Stelter. While she has only been in her  
14 new role since May, she has been instrumental  
15 in ensuring that deadlines are met and has  
16 shown initiative and innovation in problem  
17 solving complex issues associated with card  
18 room activity. She and her team implemented a  
19 new card room reconciliation process in July, a  
20 few months after she started her position.

21 She spent numerous hours working with  
22 staff to perform a more in-depth analysis of  
23 monthly card room activity and supporting  
24 documentation. Additionally, this year she  
25 took the lead on the annual report pages for

1 our area which you have all had an opportunity  
2 to review recently, ensuring deadlines were  
3 met, working closely with staff to work through  
4 our issues, and ensuring supporting  
5 documentation was included for Ms. Swain's  
6 review, which took a big load off of Ms. Swain  
7 she writes.

8 I have given her several research projects  
9 and she has completed them timely, many times  
10 within one business day. It is nice to have a  
11 member of our team that I can depend on to get  
12 the job done without having to be asked. I can  
13 give her my vision of what I want and she makes  
14 it happen. So, that's Ms. Stelter.

15 COMMISSIONER DRAGO: Nice.

16 VICE CHAIR BROWN: Thank you.  
17 Congratulations.

18 COMMISSIONER DRAGO: Can I ask one  
19 question? Are you done?

20 MR. MARSHMAN: I have one last one.

21 COMMISSIONER DRAGO: I'll ask it after.

22 MR. MARSHMAN: Okay. The last individual  
23 that was highlighted comes from IT, and it's  
24 David Donaldson (phonetic).

25 David, are you here? No. All right. You

1 have a shy commission staff.

2 (Laughter.)

3 MR. MARSHMAN: David Donaldson embodies  
4 the spirit of IT's "can do" attitude. He is  
5 humble and hardworking and always approaches  
6 tasks with the customer in mind. He is great  
7 with customers and team members, possesses a  
8 strong business background, and has the ability  
9 to see technical issues from a non-technical  
10 perspective.

11 David took over the Performance Measures  
12 Project after a supervisor left and has worked  
13 with the business and technical staff to define  
14 and collect measures, often recommending  
15 alternative measures that are available or how  
16 to adjust the measures to something meaningful.  
17 No matter the project given to him, he breaks  
18 it down and succeeds.

19 I am also familiar that David has worked  
20 in the Division of Pari-mutuel Wagering prior  
21 to being poached by our own IT department.

22 (Laughter.)

23 MR. MARSHMAN: He has been with us for  
24 some time as well. And those are the people  
25 that I would like to highlight this week or

1 this month.

2 VICE CHAIR BROWN: Thank you, Director.  
3 And I really appreciate hearing about also the  
4 contributions that they're doing, so thank you  
5 for highlighting them.

6 Commissioner Drago.

7 COMMISSIONER DRAGO: Yes. I'm excited  
8 about this program. I thank you for starting  
9 it. I think it's great, especially bringing it  
10 to us here at the commission so that everybody,  
11 including the public, can see the kind of work  
12 that we're doing.

13 I assume that the citation they will get  
14 along with the memo that's written for them  
15 will be placed into their personnel files?

16 MR. MARSHMAN: Yes, sir.

17 COMMISSIONER DRAGO: Okay. Great. Thank  
18 you.

19 VICE CHAIR BROWN: Commissioners, any  
20 other comments before we move on to the report?  
21 I think we are onto scheduling now.

22 MR. MARSHMAN: Yes, ma'am. Ms. Parker  
23 indicated that we will need to probably move  
24 the meeting we have for February. I think we  
25 had discussed that maybe in the past, I don't

1 recall, but she has suggested moving it from  
2 February 6th to February 13th. So I wanted to  
3 inquire about the commissioners availability  
4 around this time.

5 VICE CHAIR BROWN: Thank you.

6 Commissioners, do you have any problems moving  
7 it to the second week? Are there any statutory  
8 deadlines that would necessitate us moving it  
9 in a different direction?

10 I'm looking at Mr. Dillmore.

11 MR. DILLMORE: As far as annual operating  
12 licenses, that would not interfere with any of  
13 those.

14 VICE CHAIR BROWN: Okay. I don't have any  
15 problems with that. Do you all?

16 COMMISSIONER DRAGO: No, I don't.

17 COMMISSIONER REPP: No problem.

18 VICE CHAIR BROWN: Thank you.

19 MR. MARSHMAN: And I think we've  
20 previously scheduled out to March. Does anyone  
21 have any updates to their availability through  
22 March?

23 VICE CHAIR BROWN: No.

24 MR. MARSHMAN: Well, since we're here, I  
25 believe one of the commissioners has a conflict

1 with the first week of April. So if we can  
2 maybe address the April meeting it might help  
3 us to go ahead and look at our calendars.

4 VICE CHAIR BROWN: Okay. So we're looking  
5 at, then, the second week in April, correct?

6 MR. MARSHMAN: I think that would be the  
7 preference, yes, ma'am.

8 VICE CHAIR BROWN: Do you all have any  
9 problems?

10 COMMISSIONER D'AQUILA: Looking at  
11 April 10th?

12 MR. MARSHMAN: It could be April 10th,  
13 sure. That would be the second Thursday.

14 VICE CHAIR BROWN: It says the 2025  
15 Masters begins then.

16 COMMISSIONER REPP: (Inaudible.  
17 Microphone off.)

18 VICE CHAIR BROWN: Me too. We're pretty  
19 flexible, so whatever is convenient in terms of  
20 the meeting rooms we can work with.

21 MR. MARSHMAN: Okay. Can we shoot for  
22 just sometime that week and maybe readdress it  
23 in the January meeting?

24 VICE CHAIR BROWN: Sure. Are you guys  
25 okay with April 10th?

1           COMMISSIONER DRAGO: I'm fine with  
2 April 10th, yes.

3           COMMISSIONER D'AQUILA: (Inaudible.  
4 Microphone off.)

5           MR. MARSHMAN: It probably will. I  
6 believe Ms. Dixie Parker will take care of us  
7 on the back end.

8           COMMISSIONER D'AQUILA: Commissioners, the  
9 8th, 9th, and 10th are all available.

10          MR. MARSHMAN: Okay. We'll probably have  
11 an update for you in the January meeting.

12          VICE CHAIR BROWN: That sound good.

13          Now, on to the last agenda item here and  
14 your report.

15          MR. MARSHMAN: Yes, ma'am. So, former  
16 Executive Director Lou Trombetta is still  
17 present. I thought it would be appropriate to  
18 commemorate in the public his contributions to  
19 the commission, but also his previous  
20 contributions to the Division of Pari-mutuel  
21 Wagering when it was part of the Department of  
22 Business and Professional Regulation. He has  
23 been in this area for years, and I have very  
24 big shoes to fill.

25          I have asked previously Director Dillmore,



1 who has known, I think, Mr. Trombetta the  
2 longest, or one of the longest people to  
3 prepare some remarks. If I may turn it over to  
4 him.

5 VICE CHAIR BROWN: Absolutely. And it's a  
6 somewhat emotional day, because so many of us  
7 in this room are so close with Lou.

8 So, Mr. Dillmore.

9 MR. DILLMORE: Yes. Thank you. It is,  
10 it's difficult, but I appreciate the  
11 opportunity to say a few words. I mean, it's  
12 hard to believe it was nearly 11 years ago I  
13 got an email from a really young college  
14 student still in law school inquiring about  
15 intern opportunities with the division and  
16 gaming. And I always thought -- it was a  
17 resumé attached with maybe a headshot and Lou  
18 always (Laughter.) -- he didn't agree with that  
19 statement.

20 I couldn't let this go unresolved, so I  
21 went back to my source documents and records  
22 and I was wrong. It wasn't a resumé and a  
23 headshot, it was more like a Lou Trombetta  
24 expose. It looked like a full body GQ, jacket  
25 over the shoulder, yeah, picture. (Laughter.)

1 And so I'm glad we got that resolved before he  
2 left. I can show it to you when we're done.

3 But, no, he was really interested in  
4 getting into the gaming industry and he was  
5 looking for an internship. We just didn't have  
6 anything available at the time. I think he was  
7 in central Florida. So it wasn't, you know,  
8 long after I get another email saying, you  
9 know, "I got my degree now. I'm ready. I can  
10 go anywhere." And I said, "Well, you know,  
11 there may be some positions in OGC." But I  
12 guess some time went by, and I said, "Just keep  
13 an eye on Peoples First and see if there are  
14 any job opportunities up."

15 And then in the interim I think he sent me  
16 a couple of research papers he had done and a  
17 couple of studies in gaming. And then,  
18 finally, I got one and he goes "Mr. Dillmore, I  
19 applied for an investigator position I saw on  
20 Peoples First." And I was, like, "Man, he's  
21 not going to give up. He wants to be involved  
22 in this industry."

23 So, we had a vacant position at the time,  
24 and I said "We've got to utilize this young  
25 man's passion and tenacity." And we kind of

1 tailored a position to -- a legal position in  
2 the division to do some research, help with  
3 rulemaking, all kinds of stuff. And with that  
4 he kind of jumped in and went to work right  
5 away with that passion. And it wasn't long  
6 before, maybe a year or so, and he moved into  
7 an actual attorney position at OGC. And not  
8 too long after that chief attorney.

9         So he was getting familiar with the gaming  
10 industry and the statutes that we have. And  
11 then ultimately Director of Pari-mutuel  
12 Wagering. And he did that for a great number  
13 of years where he -- during that time he gained  
14 the trust and respect of our division staff and  
15 the industry. He got to know them very well,  
16 and I think a fair and consistent approach to  
17 the regulations.

18         And I bring all this up for a reason  
19 because, you know, he worked his way up. I  
20 mean, he wanted it from the beginning, worked  
21 his way up through all these positions. And  
22 even as director, it wasn't, you know, your  
23 normal director role where he just delegated  
24 everything. He had his sleeves rolled up, you  
25 know, was in -- and very involved in all the

1 stuff we did.

2 But I think the most important was -- and  
3 all those previous things prepared him for when  
4 the commission selected him to be the executive  
5 director, the first executive director for the  
6 commission, and I think for a few reasons.  
7 One, the Division of Pari-mutuel Wagering where  
8 we came from was a Type II transfer where it  
9 was 100 employees were going to get moved into  
10 this new agency, and they were very -- a lot of  
11 staff was very nervous. But Lou being selected  
12 helped out so much because they were all  
13 familiar with him, confident in his abilities,  
14 and they always knew he would have their best  
15 interests at heart. And I think that helped so  
16 much with the transition from the division and  
17 the Type II transfer.

18 I think when the law passed, the industry  
19 was somewhat nervous going into this new  
20 commission, new agency. I think he was a  
21 common force -- a calming force. The industry  
22 had come to know him, again, for his  
23 consistent, fair regulatory approach. So I  
24 think that helped.

25 Lastly, it was the reason I kind of told

1 you what his approach was when he first came  
2 in, that drive, that tenacity, that passion for  
3 the industry. Because when you think about it,  
4 when the law first passed it was crazy. The  
5 commission was words on paper. You know, it  
6 was basic structure, but what his vision was  
7 and what he put into it, I mean, created whole  
8 separate divisions from the whole cloth that  
9 weren't there; IT, admin, gaming enforcement.  
10 He hired this team and saw it all the way  
11 through. And I think it's an amazing thing he  
12 accomplished.

13 And I would like to thank him for his  
14 leadership, his friendship, and many years of  
15 dedicated service to the State of Florida and  
16 the Florida Gaming Commission, and we wish you  
17 the best of luck in your future endeavors.

18 (Applause.)

19 COMMISSIONER DRAGO: Can I make a comment  
20 on that quickly.

21 VICE CHAIR BROWN: Commissioner Drago has  
22 a comment before we get into some additional  
23 comments.

24 COMMISSIONER DRAGO: Thank you. I mean, I  
25 have to comment while it's fresh in my mind or

1 I'll forget five minutes later.

2 But that was a great -- it was a great  
3 presentation. But I have to say that I've  
4 known Joe since 2007 off and on. That's the  
5 most I've ever heard him say all put together  
6 in all those years. Great job.

7 (Laughter.)

8 VICE CHAIR BROWN: That was a very good  
9 point. I have also known Joe and Lou since  
10 2021, and I know we had a little bit of talking  
11 before this meeting, but Lou instantly -- when  
12 I was at DBPR with him, instantly I trusted  
13 him. I think you could not have summed it up  
14 better, Joe, about the stability that he just  
15 brings. But it's actually I think more of his  
16 honesty. He's just an honest broker. He's  
17 just always honest.

18 And he became a trusted ally to me from  
19 day one. We had, you know, so many different  
20 divisions over at DBPR and he became my solid,  
21 my solid guy, and we got an opportunity to work  
22 together on a working group once the Type II  
23 transfer happened, and I got to really, really  
24 know him then.

25 I thought I knew everything about gaming

1 through him, and I knew nothing when this  
2 commission started. And he was so patient and  
3 just a tremendous guy. And also that describes  
4 him as a person. Because you see some people  
5 that are here that are former employees and  
6 friends that just all respect you. I mean,  
7 everybody that knows you. I have never heard a  
8 bad word about you. You know, they all respect  
9 you, and you've been -- you have worked so hard  
10 since your time as inaugural chair, just so  
11 hard trying to get it right.

12 And to see you at this point leaving and  
13 passing the baton, it's just tremendous what  
14 you have accomplished. It is milestone of a  
15 career. I mean, you have just created such  
16 a -- and I know it's not hard, you have been  
17 with the state for more than 11 years, and you  
18 have been with PMW for that whole time. So  
19 it's not a hard venture, but I would like to  
20 just present a token and then allow the  
21 commissioners also to say some comments to you.

22 But you know how I feel, and I'm going to  
23 miss you tremendously, but we are lucky that we  
24 have some great leadership leaders here who are  
25 going to continue that trajectory that you have

1 for the commission.

2 With that, I would like to just present to  
3 you, Mr. Lou Trombetta, in appreciation of your  
4 outstanding dedicated service to the citizens  
5 of the State of Florida as the inaugural  
6 Executive Director of the Florida Gaming  
7 Control Commission, please accept this as a  
8 token.

9 (Applause. Presenting plaque.)

10 VICE CHAIR BROWN: We have some other  
11 comments and some folks that may want to also  
12 comment. And please allow some indulgence here  
13 because Mr. Trombetta has been here for a while  
14 and worked with a lot of you, so before he  
15 speaks, I would like to give an opportunity for  
16 the commissioners to offer some comments.

17 Commissioner Drago.

18 COMMISSIONER DRAGO: Sure. If I can --  
19 and Joe just said so much and it really hit all  
20 the points, but just a comment about, you know,  
21 personally how it's affected me, how Lou has  
22 affected me since I came here.

23 You know, I was here before with DBPR and  
24 came back for this great opportunity to be on  
25 the commission, and Lou just did so much to



1 educate me on gaming. Things I thought I knew  
2 and knew nothing and learned so much. And he  
3 was such a stabilizing force. Because as Joe  
4 mentioned before, this was -- nobody really  
5 knew to what expect. This was a whole new  
6 agency. It's not very often that anybody  
7 starts a new agency, executive director, or  
8 commissioners, or staff members that just  
9 engage in a new agency like that. But, Lou,  
10 you were a stabilizing figure for all of us, I  
11 think, and you kept us bonded together, you  
12 kept us moving forward.

13 I remember our discussions when you were  
14 appointed about how difficult it is to have to,  
15 you know, guide along five commissioners and  
16 keep everybody on the same page and in step.  
17 And you did it, so I really do appreciate that.  
18 You always kept us informed of what was going  
19 on. No matter how busy you got or how much you  
20 had to do, you made sure that we were informed  
21 and we were kept up-to-date on what was  
22 happening.

23 So, a lot of those things might not seem  
24 like a lot to some people, but when you're part  
25 of a commission like this and everything's done

1 in the sunshine and you can't communicate, it's  
2 important to have a stabilizing figure that  
3 keeps you all informed and up-to-date and  
4 together.

5 And I feel like our commission is together  
6 and we work very well together, I think. So  
7 it's important and I thank you for that. We  
8 looked to you for things as we went on and for  
9 guidance. And not only in the gambling aspect  
10 of it, but just in the everyday operation of  
11 the agency.

12 So, I thank you personally. You know, I  
13 won't forget, you know, what you've done for me  
14 and what you've done for us and made this job  
15 easier, so I wish you all the luck. You know,  
16 it's always a sad day to lose good people, but  
17 it's a happy day to know that maybe this job  
18 had something to do with you being able to move  
19 on to whatever you want to do.

20 So, you know, it's all about everybody  
21 doing a good job, supporting each other,  
22 working together so that anybody who wants to  
23 move on and do something else can do it. And  
24 you had that opportunity now, so we are  
25 grateful for you to have the opportunity.

1           We could be jealous and try to keep you  
2     tied down here, but -- so I wish you all the  
3     luck in the world. I thank you so much for  
4     everything you have done here for the agency,  
5     for the State of Florida, for the legislature,  
6     for Governor DeSantis, and we all appreciate  
7     it. Thank you.

8           VICE CHAIR BROWN: Commissioners, any  
9     additional comments? Commissioner Repp.

10          COMMISSIONER REPP: I just want to thank  
11     you for being so welcoming. As being a  
12     commissioner, I guess, to kind of come in and  
13     things were kind of really spinning, and you  
14     took a lot of time to discuss everything to  
15     bring me up to speed to just be very helpful  
16     and generous with your guidance, and I  
17     appreciate that.

18          In your next adventure I'm sure that  
19     you're going to bring all those things to them  
20     and maybe I'll get a little jealous that  
21     they're going to get the benefit of that, but  
22     I'm grateful for having the benefit of the time  
23     you spent working with us. And good luck.

24          VICE CHAIR BROWN: Thank you.  
25     Commissioner D'Aquila.

1           COMMISSIONER D'AQUILA: Well, Lou, thank  
2 you for welcoming me into the gaming world.  
3 One of my favorite words that you always used,  
4 and it's on the website was integrity, bringing  
5 integrity to the gaming industry. I can think  
6 of no other word to describe what you have done  
7 to both the industry, the people of this great  
8 commission, and the State of Florida.

9           I have had the privilege of working with  
10 so many CEOs over my 40-year career. And one  
11 question I always ask is "What drives you?  
12 What makes a leader, CEO, an executive director  
13 great?" And it always comes down to just a few  
14 words; it's integrity, consistency,  
15 professionalism, and driving for the better of  
16 all. And most of all, the ability to build a  
17 team and propel people above you.

18           You've not only built a wonderful team, as  
19 we look around this room, and our brothers and  
20 sisters in central Florida and south Florida,  
21 you have taken what was a three person, or one  
22 person, or an idea and it's now hundreds. And  
23 the integrity of our industry, you've laid a  
24 groundwork. You've got a long career ahead of  
25 you. As we say I'm not betting against you.

1 (Laughter.)

2 COMMISSIONER D'AQUILA: And I'm certainly  
3 not saying goodbye. God bless you and good  
4 luck.

5 VICE CHAIR BROWN: Thank you,  
6 Commissioner. And it's a little unorthodox  
7 here before, Mr. Trombetta, you get an  
8 opportunity to speak, but I would like to open  
9 the floor up to folks that have worked with Lou  
10 for so many years and that want to make a  
11 comment. They are more than welcome to come up  
12 to the podium or just speak where you are.

13 (Inaudible.)

14 VICE CHAIR BROWN: Certainly.

15 {Speaker not speaking into a microphone.}

16 MS. SWAIN: I think I'll speak for most of  
17 the staff. Lou is one of us. It's like I've  
18 seen him grow up. I thought he was like a kid.  
19 His door is always open. Just week before last  
20 we asked him for some card room training the  
21 day before (inaudible) around a card table. He  
22 taught us how to play designated poker or Tiki  
23 (phonetic) games and how to play Texas Hold'em  
24 for anybody who wanted to learn.

25 He treats everybody equally. You would

1 never know if you met him that he had an  
2 Executive Director title, which says a lot.  
3 I've been in and out of state government for  
4 almost 30 years, and it's hard to find people  
5 that have an open-door policy that treats  
6 themselves as an employee and not as a manager  
7 all the time. I think that's important  
8 especially in this atmosphere that we have been  
9 in.

10 He's brought a lot of -- I'm looking  
11 forward to seeing where he is going and what  
12 he's going to do. I told him not to forget  
13 about us (inaudible). Thank you for your  
14 friendship, most importantly.

15 VICE CHAIR BROWN: Thank you. Would  
16 anybody else like to speak? Please.

17 MS. RICKS: Lou, it's just been an  
18 absolute privilege to serve with you. Watching  
19 you come in and grow, mentoring, putting up  
20 with me and my team. I've got a big team in  
21 operations throughout the state. You've guided  
22 it. Your door has always been open not only  
23 for business and professional reasons, but for  
24 personal reasons as well.

25 You're a rising star. It's been an honor

1 to have you establish the base for this new  
2 commission, and I'm honored to have worked with  
3 you and everybody else at the startup. I just  
4 can't wait to see where you go, and just keep  
5 in touch with all of us. It's just been a real  
6 blessing to work with you.

7 MR. TROMBETTA: Thank you.

8 VICE CHAIR BROWN: All right. Anybody  
9 else? Let's bring it back to you.

10 MR. TROMBETTA: Okay. Let me see if I can  
11 get through it. I'll keep it short. Thank  
12 you. That's really all I've got. Yeah. It's  
13 been good, and I have really -- it's far too  
14 long, but thank you.

15 VICE CHAIR BROWN: Thank you.

16 With that, is there anybody that would  
17 like to address the commission for public  
18 comment before we close the meeting up?

19 All right. Going once, going twice,  
20 seeing none, this meeting is adjourned. Happy  
21 holidays to everyone and safe travels. Thank  
22 you.

23 (The proceedings concluded at 11:06 a.m.)

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COURT CERTIFICATE

STATE OF FLORIDA  
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I, JANE FAUROT, RPR, certify that I was authorized to and did stenographically report the foregoing proceedings, and that the transcript is a true and complete record of my stenographic notes.

Dated this 17th day of December, 2024.



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JANE FAUROT, RPR