

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING,
Petitioner,

v.

FGCC Case No.: 2022-007927

IVAN FRANCISCO ARIAS GARCIA,

Respondent.

**FINAL ORDER ADDING RESPONDENT TO THE STATEWIDE PERMANENT
EXCLUSION LIST**

Pursuant to sections 550.0251(6) and 551.112, Florida Statutes, and the rules promulgated thereunder, the Florida Gaming Control Commission (“Commission”), has the power to exclude from all pari-mutuel facilities and all facilities of a slot machine licensee in the state of Florida, any person who has been ejected from a pari-mutuel facility or a facility of a slot machine licensee in this state.

An Administrative Complaint was filed on April 22, 2022, alleging that respondent was a patron at Magic City Casino and was excluded on February 1, 2022. Magic City Casino is a facility operated by a permitholder authorized to conduct pari-mutuel wagering, slot machines, and cardroom operations in the State of Florida. Respondent was served with the Administrative Complaint on June 21, 2022 and failed to respond to the Administrative Complaint within 21 days.

The Commission has received and reviewed the pertinent records and supporting documentation concerning Respondent’s exclusion. At the meeting on August 4, 2022, the Commission adopted the findings of fact in the Administrative Complaint as the factual findings in this case, found that Respondent was properly served with the Administrative Complaint, found that Respondent waived his right to a hearing pursuant to rule 28-106.111(4), Florida Administrative Code, and after proper consideration thereof,

NOW, THEREFORE, be it known that:


The Commission hereby adds Respondent to the permanent exclusion list for all pari-mutuel facilities and facilities of a slot machine licensee within the state of Florida.

It is so ordered.

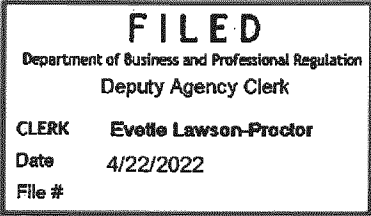
MACIVER, Chair, YAWORSKI, Vice-Chair, and BROWN, DRAGO, and D’AQUILA,
Commissioners, concur.

I HEREBY CERTIFY that this document was filed and a copy served on each party on August 12, 2022.

Ivan F. Arias Garcia
561 Southeast 8th Avenue
Hialeah, Florida 33010



AGENCY CLERK'S OFFICE
Florida Gaming Control Commission



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF PARI-MUTUEL WAGERING

DEPARTMENT OF BUSINESS
AND PROFESSIONAL REGULATION,
DIVISION OF PARI-MUTUEL WAGERING,

Petitioner,

DBPR Case No.: 2022-007927

v.

IVAN FRANCISCO ARIAS GARCIA,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Ivan Francisco Arias Garcia (“Respondent”), and alleges:

1. Petitioner is the state agency charged with regulating pari-mutuel wagering, slot machines, and cardroom operations pursuant to Chapters 550, 551, and 849, Florida Statutes.
2. At all times material hereto, Respondent’s address was reported as 430 Southwest 6th Street, Miami, Florida 33130.
3. At all times material hereto, Magic City Casino was a facility operated by a permitholder authorized to conduct pari-mutuel wagering, slot machines, and cardroom operations in the State of Florida.
4. On or about February 1, 2022, Respondent was a patron of Magic City Casino.
5. On or about February 1, 2022, Respondent was ejected and permanently excluded from Magic City Casino.
6. Section 550.0251(6), Florida Statutes, provides in relevant part:

In addition to the power to exclude certain persons from any pari-mutuel facility in the state, the division may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the division. The division may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state.

(Emphasis supplied).

7. Section 551.112, Florida Statutes, provides:

In addition to the power to exclude certain persons from any facility of a slot machine licensee in this state, the division may exclude any person from any facility of a slot machine licensee in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the division. The division may exclude from any facility of a slot machine licensee any person who has been ejected from a facility of a slot machine licensee in this state or who has been excluded from any facility of a slot machine licensee or gaming facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over the gaming in such other state. This section does not abrogate the common law right of a slot machine licensee to exclude a patron absolutely in this state.

(Emphasis supplied).

8. Based on the foregoing, Respondent violated Sections 550.0251(6) and 551.112, Florida Statutes and is subject to exclusion from all licensed pari-mutuel wagering facilities and any facility of a slot machine licensee in the State of Florida based on his ejection from Magic City Casino on or about February 1, 2022.

WHEREFORE, Petitioner respectfully requests the Division Director enter an Order excluding Respondent from all licensed pari-mutuel wagering facilities and any facility of a slot machine licensee in the State of Florida, along with any other remedy provided by Chapters 550 and 551, Florida Statutes, and/or the rules promulgated thereunder.

This Administrative Complaint for DBPR Case Number 2022-007927 is signed this 22nd day of April 2022.

/s/ Eric Saccomanno

Eric Saccomanno

Assistant General Counsel

FBN: 1032559

Department of Business and Professional Regulation

Office of the General Counsel

Division of Pari-Mutuel Wagering

2601 Blair Stone Road

Tallahassee, Florida 32399-2202

Telephone: (850) 717-1786

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Primary: Eric.Saccomanno@MyFloridaLicense.com

Secondary: Ebonie.Lanier@MyFloridaLicense.com

NOTICE OF RIGHTS TO REQUEST A HEARING

Pursuant to Sections 120.569 and 120.57, Florida Statutes, you have the right to request a hearing to challenge the charges contained in this Administrative Complaint. If you choose to request a hearing, you will have the right to be represented by counsel, or other qualified representative, to present evidence and argument, to call and cross-examine witnesses, and to have subpoenas and subpoenas duces tecum issued on your behalf.

Any request for an administrative proceeding to challenge or contest the charges contained in this Administrative Complaint must conform to Rule 28-106.2015, Florida Administrative Code. Pursuant to Rule 28-106.111, Florida Administrative Code, you must request a hearing within 21 days from receipt of this Notice, or you will waive your right to request a hearing.

Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

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7020 2450 0000 5094 2594

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ivan F. Arias Garcia
 561 Southeast 8th Avenue
 Hialeah, Florida 33010
 AC - 2022007927 - PMW

9590 9402 6208 0220 7377 86



2. Article Number (Transfer from service label)

7020 2450 0000 5094 2594

PS Form 3811, July 2020 PSN 7530-02-000-9053

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A. Signature Agent
 [Signature] Addressee

B. Received By (Printed Name) C. Date of Delivery
[Signature] 6/21/22

D. Is delivery address different from item 1? Yes
 If YES, provide delivery address below: No
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JUN 30 2022
 BY: *[Signature]*

3. Service Type
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 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
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Domestic Return Receipt