

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

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

Petitioner,

v.

FGCC Case No.: 2022-010240

ANTHONY CESPEDES,

Respondent.

_____ /

FINAL ORDER

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on April 3, 2024, for final agency action pursuant to sections 120.569 and 120.57(2), Florida Statutes. After a complete review of the records in this matter, the Commission makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

The Findings of Fact contained in the Recommended Order are hereby adopted as the Findings of Fact of the Commission.

CONCLUSIONS OF LAW

The Conclusions of Law contained in the Recommended Order are hereby adopted as the Conclusions of Law of the Commission.

ORDERED and ADJUDGED:

1. The Hearing Officer's Recommended Order is adopted in full.
2. Respondent is hereby **PERMANENTLY EXCLUDED** from all pari-mutuel facilities and all facilities of a slot machine licensee within the state of Florida.

This Final Order shall take effect upon being filed with the Clerk of the Commission.

DONE AND ORDERED this 4th day of April, 2024.

FLORIDA GAMING CONTROL COMMISSION



CLERK OF THE COMMISSION

On Behalf of

Julie Brown, Vice-Chair

John D' Aquila, Commissioner

Charles Drago, Commissioner

Tina Repp, Commissioner

NOTICE OF RIGHT TO APPEAL

Any party to this proceeding has the right to seek its judicial review under section 120.68, Florida Statutes, by the filing of an original notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Commission, 4070 Esplanade Way, Tallahassee, Florida 32399-2202 (email: clerk@flgaming.gov), and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate Florida district court of appeal. The notice of appeal must be filed (received) by the Clerk of the Commission within thirty (30) days after the date this Order is filed with the Clerk of the Commission.

CERTIFICATE OF SERVICE

I hereby certify this 4th day of April, 2024, that a true copy of the foregoing has been furnished by U.S. mail to:

Anthony Cespedes
861 East 19th Street
Hialeah, FL 33013



CLERK OF THE COMMISSION
Florida Gaming Control Commission

CC: Ebonie Lanier

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION
DIVISION OF PARI-MUTUEL WAGERING

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ANTHONY CESPEDES,

Respondent.

_____ /

HEARING OFFICER’S RECOMMENDED ORDER

THIS MATTER came before Elizabeth K. Stinson, designated Hearing Officer for the Florida Gaming Control Commission (“Commission”), on January 4, 2024, in Tallahassee, Florida, in accordance with the provisions of sections 120.569 and 120.57(2), Florida Statutes, for consideration of the Commission's Administrative Complaint filed against Anthony Cespedes (“Respondent”), in FGCC Case Number 2022-010240 (“Administrative Complaint”). The Commission was represented by Emily A. Alvarado, Deputy Chief Attorney, and the hearing was held telephonically.

PROCEDURAL HISTORY

1. On or about March 29, 2022, the Florida Department of Business and Professional Regulation’s Division of Pari-Mutuel Wagering (“Division”) filed an Administrative Complaint against Respondent alleging that Respondent was a patron of and was ejected and excluded from Casino Miami, a permitholder licensed to conduct pari-mutuel wagering, slot machine, and cardroom operations in the state of Florida. The Administrative Complaint sought to exclude Respondent from all licensed pari-mutuel wagering facilities and all facilities of a slot machine licensee in the state of Florida due to Respondent’s ejection and exclusion from Casino Miami.

2. On or about April 22, 2022, the Division received an Election of Rights form from Respondent requesting a hearing in accordance with the provisions of section 120.569 and 120.57(2), Florida Statutes.

3. An informal hearing was scheduled for June 15, 2022. During the hearing, Respondent was contacted telephonically and did not answer. The hearing was continued to November 21, 2022.

4. Effective July 1, 2022, all powers, duties, functions, administrative authority, and administrative rules of the Department of Business and Professional Regulation related to the regulation of pari-mutuel wagering under chapter 550, Florida Statutes, and the regulation of slot machines and slot machine gaming under chapter 551, Florida Statutes, were transferred by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Florida Gaming Control Commission.

5. At the informal hearing on November 21, 2022, Respondent stated that he would like to speak with an attorney, so the case was continued to allow Respondent the opportunity to do so.

6. On October 25, 2023, the Commission sent a Notice of Hearing to Respondent's updated mailing address via regular and certified mail.

7. At the informal hearing on November 15, 2023, the hearing was continued because Respondent did not appear.

8. On December 18, 2023, the Commission sent a Notice of Hearing to Respondent's updated mailing address via certified mail.

9. At the informal hearing on January 4, 2024, Respondent did not appear. There is no

evidence that Respondent requested a continuance of the hearing. Therefore, the hearing proceeded without Respondent present.

10. During the January 4, 2024, hearing the Commission presented the issues raised in its Administrative Complaint. The undersigned granted the Division's motion to accept the Findings of Fact in the Administrative Complaint as the undisputed facts in the case and accepted the investigative report into the record.

FINDINGS OF FACT

11. At all times material hereto, Casino Miami was a facility operated by a permit holder authorized to conduct pari-mutuel wagering, slot machine, and cardroom operations in the State of Florida.

12. On or about February 28, 2022, Respondent was a patron of Casino Miami and was ejected from Casino Miami.

13. On or about February 28, 2022, Respondent was permanently excluded from Casino Miami.

CONCLUSIONS OF LAW

14. The Hearing Officer has jurisdiction over this matter and the parties pursuant to section 120.57(2), Florida Statutes.

15. The Commission has jurisdiction over this matter pursuant to chapters 120, 550, and 551, Florida Statutes.

16. At all times material hereto, Casino Miami was a facility operated by a permit holder authorized to conduct pari-mutuel wagering, cardroom, and slot machine gaming operations in the state of Florida.

17. 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 commission 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 commission. The commission 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).

18. 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 commission 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 commission. The commission 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).

19. Respondent is subject to permanent exclusion from all licensed pari-mutuel wagering facilities and all facilities of a slot machine licensee in the state of Florida based on Respondent's ejection and permanent exclusion from Casino Miami.

20. There is competent substantial evidence to support the conclusions of law.

RECOMMENDED ORDER

Based upon the Findings of Fact and Conclusions of Law, it is hereby recommended that the Florida Gaming Control Commission issue a Final Order permanently excluding Respondent from all pari-mutuel wagering facilities and all facilities of a slot machine licensee in the State of Florida.

This Hearing Officer's Recommended Order in FGCC Case Number 2022-010240 is submitted this 1st day of April 2024.

Elizabeth K. Stinson

Elizabeth K. Stinson
Hearing Officer
Florida Gaming Control Commission

CERTIFICATE OF SERVICE

I hereby certify this 1st day of April 2024, that a true copy of the foregoing "Hearing Officer's Recommended Order" has been provided by mail and email to:

Anthony Cespedes
861 E 19th Street
Hialeah, FL 33013-4210



CLERK OF THE COMMISSION
Florida Gaming Control Commission