

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING

Petitioner,

v.

BRUNO BORGELLA,

FGCC Case No.: 2022-027613

Respondent.

_____ /

FINAL ORDER

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on December 1, 2022, 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.

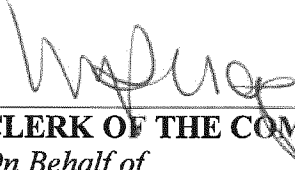
ORDERED and ADJUDGED:

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 2nd day of DECEMBER, 2022.

FLORIDA GAMING CONTROL COMMISSION



CLERK OF THE COMMISSION

On Behalf of

John MacIver, Chariman

Michael Yaworsky, Vice-Chairman

Julie Brown, Commissioner

John D'Aquila, Commissioner

Charles Drago, Commissioner

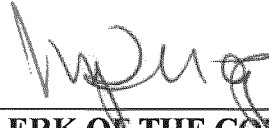
NOTICE OF RIGHT TO APPEAL

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, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202 (Email: clerk@fgcc.fl.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 that on this 2ND day of DECEMBER, 2022, a true and correct copy of this Final Order has been sent via U.S. Mail to:

Bruno Borgella
5008 Southwest 18th Street
Hollywood, Florida 33023



CLERK OF THE COMMISSION
Florida Gaming Control Commission

CC: Ebonie Lanier

FILED	
FLORIDA GAMING CONTROL COMMISSION	
Date:	11/21/2022
File Number:	_____
BY: MELBA L. APELLANIZ CLERK OF THE COMMISSION	

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

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

Petitioner,

v.

FGCC Case No.: 2022-027613

BRUNEL BORGELLA,

Respondent.

_____ /

RECOMMENDED ORDER

THIS MATTER came before Elizabeth K. Stinson, designated Hearing Officer for the Florida Gaming Control Commission ("Commission"), on October 19, 2022, 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 Brunel Borgella ("Respondent"), in FGCC Case Number 2022-027613 ("Administrative Complaint"). The Commission was represented by Emily A. Alvarado, Deputy Chief Attorney. Respondent appeared *pro se* and the hearing was held telephonically. Both sides were permitted to present witnesses, proffer items into evidence, and otherwise fully participate in the hearing.

PROCEDURAL HISTORY

1. On August 26, 2022, the Commission filed an Administrative Complaint against Respondent alleging that on June 6, 2022, Respondent was permanently excluded from Big Easy Casino and that he is subject to exclusion from all licensed pari-mutuel facilities and all facilities of a slot machine licensee in the State of Florida based on his permanent exclusion from Big Easy Casino.

2. On September 7, 2022, Respondent requested an informal hearing pursuant to Section 120.57(2), Florida Statutes.

3. At the informal hearing on October 19, 2022, the Commission presented the issues raised in its Administrative Complaint. The Hearing Officer granted the Commission'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.

4. During the informal hearing, Respondent testified on a variety of topics:
- a. Respondent explained the incident that led to his exclusion at Big Easy Casino.
 - b. Respondent stated that he was at a poker table with four other individuals.
 - c. Respondent stated that after a round, he believed that he was the winner, and this was confirmed by the dealer.
 - d. Respondent stated that he took his winnings and walked away from the poker table. Respondent stated that after he took his winnings, an unspecified amount of chips fell in his shoe.
 - e. Respondent stated that he used some of the chips to purchase food and/or beverages at Big Easy Casino.
 - f. Respondent stated that following the purchase, he was approached by management who stated that after review of the footage, it was discovered that he did not win the round.
 - g. Respondent stated that he returned the winnings and took \$100 of his own chips and/or money to cover the chips that were used to purchase food and/or beverages.

- h. Respondent stated that he was not involved in a theft because he was awarded the winnings and returned them when he had acknowledged that he was not the winner.

FINDINGS OF FACT

5. At all times pertinent to the allegations contained herein, Respondent was a patron at Big Easy Casino.
6. On or about June 6, 2022, Respondent was permanently excluded from Big Easy Casino.

CONCLUSIONS OF LAW

7. The undersigned Hearing Officer has jurisdiction over this matter and the parties pursuant to Section 120.57(2), Florida Statutes.
8. The Commission has jurisdiction over this matter pursuant to Chapters 120, 550, and 551, Florida Statutes.
9. At all times material, Big Easy Casino was a facility operated by a permit holder authorized to conduct pari-mutuel wagering, cardroom, and slot machine operations in the State of Florida.
10. 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).

11. 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).

12. Respondent is subject to exclusion from all licensed pari-mutuel facilities and all facilities of a slot machine licensees in the State of Florida based on his permanent exclusion from Big Easy Casino on June 6, 2022. *See* § 550.0251(6), and § 551.112 Fla. Stat.

13. Respondent's testimony neither mitigates the fact that Respondent was permanently excluded from Big Easy Casino, nor precludes the Commission from excluding Respondent from all licensed pari-mutuel facilities and all facilities of a slot machine licensee in the State of Florida. *See Id.*

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

RECOMMENDATION

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

Respectfully submitted this 21st day of November 2022.


s/Elizabeth K. Stinson

Elizabeth K. Stinson, Hearing Officer
Florida Gaming Control Commission
2601 Blair Stone Road
Tallahassee, Florida 32399-2202

CERTIFICATE OF SERVICE

I hereby certify this 21st day of November 2022, that a true copy of the foregoing has been provided by mail to:

Bruenel Brogella
5008 Southwest 18th Street
West Park, Florida 33023



Clerk of the Commission