

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

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

Petitioner,

v.

FGCC Case No.: 2022-036656

CLIFTON SMITH,

Respondent.

_____ /

FINAL ORDER

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting November 3, 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:

1. An Administrative Complaint was filed in this case on August 26, 2022, alleging that Respondent is subject to exclusion from all licensed pari-mutuel facilities and all facilities of a slot machine licensee in the state of Florida under sections 550.0251(6) and 551.112, Florida Statutes. A copy of the Administrative Complaint is attached hereto as Exhibit "1" and incorporated by reference.

2. The Administrative Complain, Election of Rights form, an Explanation of Rights, and a cover letter were served on Respondent via certified mail on September 6, 2022. Proof of service is attached hereto as Exhibit "2" and incorporated by reference.

3. The Election of Rights form, Explanation of Rights, and cover letter informed Respondent that a written response to the Complaint, including the right to request a hearing, was

due within 21 days of actual service of the Complaints. See § 120.569(1), Fla. Stat., and Fla. Admin. Code R. 28-106.111.

4. Petitioner informed Respondent that the failure to file a timely response to the Complaint would be deemed a waiver of the right to a hearing.

5. Respondent has not filed a timely response to the Complaint. Respondent has not submitted any evidence or made any allegations that would support the application of the doctrine of equitable tolling.

Having considered the Complaint, the service of the Complaint with Election of Rights form, Explanation of Rights, and cover letter on Respondent along with Respondent's failure to respond, and being otherwise fully advised in the premises, it is hereby

ORDERED and ADJUDGED:

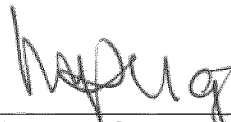
6. The allegations of fact and the conclusions of law in the Administrative Complaint are adopted in their entirety herein.

7. 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 NOVEMBER, 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 4th day of NOVEMBER, 2022, a true and correct copy of this Final Order has been sent via U.S. Mail to:

Clifton Smith
20115 Northeast 9th Avenue
Miami, Florida 33169



CLERK OF THE COMMISSION
Florida Gaming Control Commission

CC: Ebonie Lanier

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.: 2022-036656

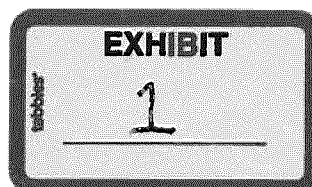
CLIFTON SMITH,

Respondent.

ADMINISTRATIVE COMPLAINT

The Florida Gaming Control Commission, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Clifton Smith (“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 20115 Northeast 9th Avenue, Miami, Florida 33169.
3. At all times material hereto, Calder Casino was a facility operated by a permit holder authorized to conduct pari-mutuel wagering, slot machines, and cardroom operations in the State of Florida.
4. On or about June 20, 2022, Respondent was a patron of Calder Casino.
5. On or about June 30, 2022, Respondent was permanently excluded from Calder Casino.
6. Respondent was permanently excluded for the reasons alleged in Exhibit 1.



7. 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).

8. 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).

9. Based on the foregoing, Respondent is subject to exclusion from all licensed pari-mutuel wagering facilities and any facility of a slot machine licensee in the State of Florida under Sections 550.0251(6) and 551.112, Florida Statutes based on his ejection from Calder Casino on or about June 30, 2022.

WHEREFORE, Petitioner respectfully requests the Florida Gaming Control Commission 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 FGCC Case Number 2022-036656 is signed this 25th day of August, 2022.

/s/ Emily A. Alvarado

Emily A. Alvarado
Deputy Chief Attorney
Florida Bar Number: 1025200
Florida Gaming Control Commission
Office of the General Counsel
Division of Pari-Mutuel Wagering
2601 Blair Stone Road
Tallahassee, Florida 32399-2202
Telephone: (850) 717-1783
Facsimile: (850) 921-1311
Primary: Emily.Alvarado@fgcc.fl.gov
Secondary: Ebonie.Lanier@fgcc.fl.gov

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.



FAQ | Help | Sign Out

VR Home	Inbox	Entity	Application	License	Cash	Exam	Inspection	Enforcement	Report
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Complaint Search Update	Change Recording Mass Status Update	License Type Public Case Info	Delete Complaint	Mass Activity Update	Mass Discipline
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Domain 10 - Division of Pari-Mutuel Wagering Logged in as: Imuniz

VR Home > Complaint Search > Maintain Complaint

Lic Type	1098 - Unlicensed Complaints	Status	90 Closed	Status Date	08/18/2022
Complaint #	2022036656	Case Type	CMP - Complaint	Disposition	Disposition Date
Docket#	Respondent	SMITH, CLIFTON	Responsible	tsmith2 - SMITH, TYRELL	Private Case


Complaint	Respondent	Complainant	Add'l Info
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Source	INTN - Internal	Security Level	1	<input type="checkbox"/>	Parties	<input checked="" type="checkbox"/>	Activities
Form	INTR - Internal	Priority		<input checked="" type="checkbox"/>	Allegations	<input type="checkbox"/>	Discipline
Class'n	V-C - Cardroom Violations	Complexity	R - Regular	<input type="checkbox"/>	Violations	<input type="checkbox"/>	Compliance
Security	STND - Standard	Incident	06/20/2022	<input type="checkbox"/>	Related	<input checked="" type="checkbox"/>	Disposition
Region	SR - Southern Region	Received	07/29/2022	<input type="checkbox"/>	Inspection		
Reference	61D-11.005(4)(a-c)			<input type="checkbox"/>	Costs		
Entered	07/29/2022	Entered By	Imuniz	<input type="checkbox"/>	Time Tracking		Auto Assign
				<input type="checkbox"/>	Attachments		History
				<input type="checkbox"/>	Work Notes		Print Report

285-Calder Race Course, Inc. _____ / _____ .
 Prohibitions: On June 20, 2022, at approximately 6:01 P.M., the above mentioned Patron was observed via a surveillance review cheating. The video revealed that at approximately 5:29 P.M., the patron who was later identified as Clifton Smith was sitting at Poker Table # 6, seat #4. As the dealer was changing shifts Smith was seen on video surveillance looking at his cards and realizing that he had a winning hand. He then added an extra chip to his current bet (Capping) to insure a bigger winning payout. The Designated Player sitting at the table observed Smith adding the chip and notified Card room Supervisor Ralph Meshaan of the incident. Meshaan along with Card room Supervisor Scott Burnett, and Security Supervisor Jason Milam confronted Smith about his actions. Smith then voluntarily returned the money that he won without further incident. He was then advised by Security Supervisor Milam that he is excluded from the facility indefinitely pending a review. After Management reviewed the incident Smith was permanently excluded. A copy of the incident report was provided by Calder Casino Director of Compliance Iliana Velazquez and video of the incident was provided by Surveillance Manager Leo Martinez.

Updated 08/18/2022 15:48:06 By Imuniz

20	Change	Save	OK	Cancel	Back
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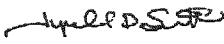

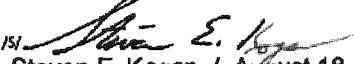
 Get Adobe Reader.



Louis Trombetta, Executive Director

Ron DeSantis, Governor

OFFICE OF INVESTIGATIONS
INVESTIGATIVE REPORT

Office: PMW	Region: SOUTHERN	Date of Complaint: July 29, 2022	Case Number: 2022 03 6656
Respondent: SMITH, CLIFTON 20115 NE 9TH AVE MIAMI, FLORIDA 33169		Complainant: DIVISION OF PARI-MUTUEL WAGERING OFFICE OF INVESTIGATIONS 1400 W. COMMERCIAL BLVD. SUITE 165 FT. LAUDERDALE, FLORIDA 33309 TEL (954) 202-3900	
License # and Type: N/A - 1098	Profession: Patron	Report Date: August 9, 2022	
Period of Investigation: July 29, 2022 through August 9, 2022		Type of Report: Final	
<p>Alleged Violation: 61D-11.005 Prohibitions. (4) No person shall, either directly or indirectly: (a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a game or the cardroom operator. (b) Engage in any act, practice, or course of operation that would constitute a fraud or deceit upon any participant in a game or the cardroom operator. (c) Engage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator.</p>			
<p>Synopsis: On June 20, 2022, at approximately 6:01 P.M., the above mentioned Patron was observed via surveillance review cheating during a live Poker game. Video footage of the incident revealed that at approximately 5:29 P.M., the patron who was identified as Clifton SMITH was sitting at Poker Table #6, seat #4. As the dealer was being relieved by another dealer SMITH was observed looking at his cards and is seen adding an extra chip (Capping) to his current bet to insure a bigger payout. The Designated Player sitting at the table observed SMITH adding the chip and notified Card room Supervisor Ralph Meschaan of the incident. Meschaan along with Card room Supervisor Scott Burnett, and Security Supervisor Jason Milam made contact with SMITH who admitted to cheating. SMITH then voluntarily returned the money that he won without further incident. He was then advised by Security Supervisor Milam that he was being trespassed from the facility indefinitely pending a review by Management. After Management reviewed the incident SMITH was permanently excluded.</p>			
<p>A copy of the incident report was provided by Calder Casino Director of Compliance Iliana Velazquez and video of the incident was provided by Surveillance Manager Leo Martinez. (EXHIBIT #2)</p>			
Related Case(s):			
Investigator / Date: August 9, 2022		Investigator Supervisor / Date	
 Tyrell Smith /		 Julio Minaya / August 18, 2022	
Chief of Investigations / Date			
 Steven E. Kogan / August 18, 2022			

CONTINUATION

On June 25, 2022, this Investigator received a phone call from Calder Casino Director of Regulatory and Compliance Susan Flores informing me that on June 20, 2022, a patron, Clifton **SMITH**, had been issued an indefinite trespass warning for cheating during a live Poker game. Flores also informed me that the facility was conducting its own internal investigation and asked that I hold off on opening my investigation since they were still looking into the matter and had not made the decision to permanently exclude **SMITH**.

On June 27, 2022, I obtained a USB flash drive containing surveillance footage of the incident. (EXHIBIT #4)

On July 27, 2022, this Investigator received an e-mail from the newly appointed Director of Regulatory and Compliance Iliana Velazquez informing me that after further review of the Incident Management decided to permanently exclude **SMITH** from the facility for cheating. (EXHIBIT #3)

After receiving Velazquez's e-mail an Open Case Request was submitted to FGCC Investigations Supervisor Julio Minaya for review and approval.

Further investigation into this matter and review of surveillance footage shows that on June 20, 2022, at approximately 5:29 P.M., **SMITH** was seated at Poker Table #6, in seat #4. He was observed placing his bets on the table. After placing his bet down the dealers were observed switching due to a shift change. Just prior to the new dealer taking over the table, **SMITH** is seen cuffing a chip in the palm of his left hand, and covering his left hand with his right hand to conceal the chip.

At approximately 5:30 P.M., the new dealer deals the cards on the table and **SMITH** picks his cards up from the table and looks at them. He then takes his cards with his right hand and places them underneath his stack of chips that he had previously placed his bet on. As he puts the cards underneath the stack of chips and incorporates the chip that he still has cuffed in his left hand on top of the stack of chips.¹ At the end of the hand **SMITH** won and was paid \$100.00.

According to Calder Incident Report #SURV-2022-06-00043 **SMITH's** action was observed by the Designated Player Banker, who alerted Poker Supervisor Ralph Meschaan.

Meschaan had Poker Supervisor Scott Burnett conduct a surveillance review which confirmed **SMITH** had cheated.

At approximately 6:35 P.M., Poker Supervisors Ralph Meschaan, Scott Burnett and Security Supervisor Jason Milam made contact with **SMITH** and escorted him from the table. After a conversation with **SMITH**, he admitted to the incident and volunteered to return \$50.00 which was the value of the additional chip that he placed on his stack of chips.

At 6:47 P.M., **SMITH** was advised by Security Supervisor Milam that he was being trespassed indefinitely for cheating and was allowed to leave the property without further incident. On June 30, 2022, **SMITH's** status was changed from being trespassed indefinitely to being permanently excluded. (EXHIBIT #2 & 3)

Case closed by Investigations and forwarded to Legal for further review.

¹**SMITH's** action is called "capping the bet" which allows a larger payment to the winner.

CONTINUATION

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

OPEN CASE REQUEST
 (OTHER THAN THOSE SPECIFIED IN SECTION 120.80(4)(a), F.S.)

INCIDENT DATE: June 20, 2022

PMW Cardroom Slot Violation Incident Complaint

FACILITY NAME: Calder Race Course Inc. (Calder Casino) LIC #: 285

RESPONDENT

NAME: <u>Clifton Smith</u>		
Address: <u>20115 NE 9th Ave, Miami, Florida 33334</u>		Tel:
LIC #: <u>N/A</u>	LIC TYPE: <u>1098</u>	OCCUPATION: <u>Patron</u>

COMPLAINANT

NAME:		Tel #:
Address:		
LIC #:	LIC TYPE:	OCCUPATION:

VIOLATION(S) / TITLE(S): 61D-11.005 Prohibitions.

- (4) No person shall, either directly or indirectly:
 (a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a game or the cardroom operator.
 (b) Engage in any act, practice, or course of operation that would constitute a fraud or deceit upon any participant in a game or the cardroom operator.
 (c) Engage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator.

DESCRIPTION: On June 20, 2022, at approximately 6:01 P.M., the above mentioned Patron was observed via a surveillance review cheating. The video revealed that at approximately 5:29 P.M., the patron who was later identified as Clifton Smith was sitting at Poker Table # 6, seat #4. As the dealer was changing shifts Smith was seen on video surveillance looking at his cards and realizing that he had a winning hand. He then added an extra chip to his current bet (Capping) to insure a bigger winning payout. The Designated Player sitting at the table observed Smith adding the chip and notified Cardroom Supervisor Ralph Meshaan of the incident. Meshaan along with Cardroom Supervisor Scott Burnett, and Security Supervisor Jason Milam then confronted Smith about his actions. Smith then voluntarily returned the money that he won without further incident. He was then advised by Security Supervisor Milam that he is excluded from the facility indefinitely pending a review. After the review by the Casino Management Staff, it was determined that Smith will be permanently excluded for cheating.

A copy of the incident report was provided by Calder Casino Director of Compliance Iliana Velazquez and video of the incident was provided by Surveillance Manager Leo Martinez.

An Open Case Request was sent to FGCC Investigations Supervisor Julio Minaya for review and approval.

CASE DETAILS FILED BY:

Chief Inspector Judge/Steward Investigator Other: _____
 (Title of State Employee)

Tyrell D. Smith *Tyrell D. Smith* July 27, 2022
 (Print Name) (Signature) (Date)

EXHIBIT # - 1
PAGE # - 1

Smith, Tyrell

From: Muniz, Luz
Sent: Friday, July 29, 2022 10:08 AM
To: Smith, Tyrell
Cc: Minaya, Julio; Futrell, Michelle; Campbell, Ian
Subject: 2022 03 6656 - Smith, Clifton - CARD

Hi Tyrell,

The above mentioned case was opened and assigned to you.

Respectfully,



FLORIDA
GAMING CONTROL
COMMISSION

Luz E. Muniz

Operations Analyst II
Florida Gaming Control Commission

Phone: (954) 202-6773

The information contained in this transmission is intended solely for the use of the person(s) named herein. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact me by replying to this e-mail

The State of Florida has a very broad public records law pursuant to Chapter 119, Florida Statutes. Most written communications to and from state officials regarding state business are public records, available to the public and media upon request. Therefore, your e-mail communications may be subject to public disclosure.

EXHIBIT # -1
PAGE # -2

Calder Casino & Race Course

21001 NW 27th Avenue
Miami, Florida 33170 United States

Incident Report

Incident Number: SURV-2022-06-00043

Class/Category: Criminal/Cheating

Occurred From Date/Time: 6/20/2022 5:30 PM

Status: Open



EXHIBIT # -2
PAGE # -1

Incident Number: SURV-2022-06-00043

Incident Details

Incident Details

Incident Number: SURV-2022-06-00043

Classification

Class: 0000
Category: 000000

Reported Date/Time: 1/20/2022 12:11 PM

Occurred From Date/Time: 1/20/2022 12:11 PM

Occurred To Date/Time: 1/20/2022 12:11 PM

Incident Duration: 00:00:00

Business Unit

Business Unit: Cleaning
Department: Light Clean

Summary:

On Jan 20, 2022 at approximately 12:11 hours, Carl Roun Supervisor, Brian Mendenhall and Scott Brown requested to investigate a possible parking incident that took place at the

Physical Location

Site: 000000
Building: 0000000000
Location: 00000000

Supplemental Details

Reported to Police: No

Incident Involvement Section

Linked Person

Total = 4

Created: 1/20/2022

Created By: 000000

Modified: 1/20/2022

Modified By: 000000

Page 1 of 5

EXHIBIT # -2
PAGE # -2

Incident Number: SURV-2022-06-00043

3/2/23

BRANDT, Ralph Involvement Type: *Reporting Party*

Date of Birth:
Gender: *White Male* Phone Number:
Address:
Hair Color:
Eye Color:
Height: *6'11"*
Weight: *250* First Aid Administered?: *No*
Marital Status: Person Hospitalized?: *No*
Employee?: *No* Injured: *No*
Interviewed?: *No* Notes:
Linked To Person: *Brandt, Ralph*

BURNETT, Scott Involvement Type: *Witness*

Date of Birth:
Gender: *Male* Phone Number:
Address:
Hair Color:
Eye Color:
Height: *6'0"*
Weight: *200* First Aid Administered?: *No*
Marital Status: Person Hospitalized?: *No*
Employee?: *Yes* Injured: *No*
Interviewed?: *No* Notes:
Linked To Person: *Burnett, Scott*

Incident Number: SURV-2022-06-00043

Case Name: [Redacted]

MILAM, Jason

Involvement Type: *Other*

Date of Birth: [Redacted] Phone Number:
Gender: Male Address:
Hair Color:
Eye Color:
Height: 6'00"
Weight: 150 lbs First Aid Administered?: No
Marital Status: Person Hospitalized?: No
Employee?: No Injured: No
Interviewed?: Yes Notes:
Linked To Person: Milam, Jason

SMITH, Clifton

Involvement Type: *Suspect*

Date of Birth: [Redacted] Phone Number:
Gender: Black Male Address:
Hair Color:
Eye Color:
Height: 6'00"
Weight: 150 lbs First Aid Administered?: No
Marital Status: Person Hospitalized?: No
Employee?: No Injured: No
Interviewed?: Yes Notes:
Linked To Person: Smith, Clifton

EXHIBIT # -2
PAGE # -4

Incident Number: SURV-2022-06-00043

Incident Narratives

Incident Narratives

Total = 1

AUTHOR: 43, Surv **Narrative Type:** Original Narrative

Created By/Date/Time: 5/20/2022 8:15 PM **Sealed:** No

Narrative:

Origin of Call: On June 20, 2022 at approximately 18:11 hours, Card Room Supervisor Ralph Meschaan was contacted by Security Shift Supervisor Jason Milam regarding a possible cheating incident that had occurred in Table #6.

Victim's Narrative: Upon review, at approximately 17:20 hours guest Clifton Smith is sitting at Table #6 (seat #1) when he begins a new poker hand and places his chips forward, placing his bet. As the Card Room dealers begin a quick chip change during this time, at approximately 17:30 hours Mr. Smith is observed looking at his cards. With one chip remaining in his left hand and one chip in his right hand, Mr. Smith attempts to add one of his remaining chips to the 7 Ups stack. It appears that the Designated Player may have noticed what had occurred as the Designated Player is later observed speaking with Card Room Supervisor Ralph Meschaan.

Mr. Smith was approached by Card Room Supervisors Ralph Meschaan and Scott Burnett, and Security Shift Supervisor Jason Milam at 18:35 hours. Mr. Smith was escorted through the North entrance at 18:47 hours and left property in a Blue Ford F-150 license plate [REDACTED].

Information Supplied: According to Card Room Supervisor Ralph Meschaan, Mr. Smith did what is called "capping the bet" where he added the chip for money once he had realized he had a good hand. Mr. Smith returned the money from that hand without incident.

Security Shift Supervisor Jason Milam issued Mr. Smith an indefinite trespass.

Person's Involved:

Suspect - Clifton Smith

Other - Card Room Supervisors Ralph Meschaan and Scott Burnett; Security Shift Supervisor Jason Milam

Owner Workgroup:

Navigation

Access Level:

Level 2

Local Print Date/Time:

6/20/2022 10:31

Page 4 of 5

EXHIBIT # -2
PAGE # -5

Incident Number: SURV-2022-06-00043

Property

...

Incident Controls

Incident Controls

<i>Org Rollup Name</i>	Access Level:	Level 1
Org Level 1:	Status:	Open
Org Level 2:		
Org Level 3:		
Org Level 4:	Locked:	No
	Archive (record not visible):	Yes
	Record Owner:	...

Incident Visibility

Owner Workgroup: Surveillance
All Workgroups: None

<i>Exceptions:</i>	<i>Workgroup Name</i>	<i>Record Rights</i>
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Document Record Created: ...
 ... AM

Owner Workgroup
 Surveillance

Access Level
 Level 1

Record Owner
 ...

Page 5 of 5

EXHIBIT # -2
PAGE # -6

Smith, Tyrell

From: Iliana Velazquez <Iliana.Velazquez@caldercasino.com>
Sent: Wednesday, July 27, 2022 10:31 AM
To: Smith, Tyrell
Cc: Richard Sukhu; Susan Flores; JC Lara; Calder_Surveillance
Subject: Lifetime Ban Request for State Exclusion List- Clifton Smith
Attachments: Security - Cheating Report.pdf; SURV-2022-06-00043.pdf

[NOTICE] This message comes from a system outside of DBPR. Please exercise caution when clicking on links and/or providing sensitive information. If you have concerns, please contact your Knowledge Champion or the DBPR Helpdesk.

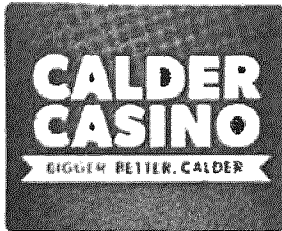
Hi Tyrell,

Calder Casino is recommending to have cardroom ex-patron Clifton Smith be added to the State Lifetime Ban List. This Patron was caught cheating "stacking chips/capping the bet" while gaming at our facility, attached you'll find supporting documentation from our security and surveillance team outlining his actions. Mr. Smith has been banned from Calder on 6/30/22, footage is on file for your review.

6:30/2022	Calder	Smith	Clifton		20115 NW 9th Ave	Miami	FL	33169
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Thank you,

Iliana



ILIANA VELAZQUEZ

Director of Compliance

21001 NW 27th Avenue | Miami Gardens, FL 33056

Office: [REDACTED] ext: 1175 or 1513

Iliana.Velazquez@CalderCasino.com

This Churchill Downs Incorporated communication (including any attachments) is for the use of the intended recipient(s) only and may contain information that is confidential, privileged or legally protected. Any unauthorized use or dissemination of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by return e-mail message and delete all copies of the original communication. Thank you for your cooperation.



**Florida Gaming Control Commission
Division of Pari-Mutuel Wagering
Office of Investigations**

PROPERTY RECEIPT

Complaint # 2022-03-6656 Date 6-27-22 Lab # _____

Item No.	Quantity	Description
1	1	USB CONTAINING FOOTAGE OF PATRICK CLIFTON SMITH (CAPPING BETS)
<i>LAST ITEM</i>		

I hereby acknowledge that the above list represents all property taken from my possession and that I have received a copy of this receipt.

[Signature]
Signature

I hereby acknowledge that the above list represents all property impounded by me in the official performance of duty as Investigator for the Division of Pari-Mutuel Wagering.

[Signature]
Signature - Impounding Investigator

RETURNED PROPERTY RECEIPT

I hereby acknowledge the return to me, by the Division of Pari-Mutuel Wagering, the above listed property.

Signature _____
Date

Received by: _____ Date: _____
 Received by: _____ Date: _____
 Received by: _____ Date: _____

Copies for: File, Transmittal, Laboratory, Property Receipt

**EXHIBIT # 4
PAGE # 1/1**

FAQ | Help | Sign Out

VR Home	Inbox	Entity	Application	License	Cash	Exam	Inspection	Enforcement	Report
Complaint Search Update	Change Recording License Type Mass Status Update	License Type Public Case Info	Delete Complaint	Mass Activity Update	Mass Discipline				

Domain 10 - Division of Pari-Mutuel Wagering Logged in as: Imuniz

VR Home > Complaint Search > Maintain Complaint

Lic Type	1098 - Unlicensed Complaints	Status	20 Under Investigation	Status Date	07/29/2022
Complaint #	2022036656	Case Type	CMP - Complaint	Disposition	Disposition Date
Docket#	Respondent	SMITH, CLIFTON	Responsible	tsmith2 - SMITH, TYRELL	Private Case

Complaint	Respondent	Complainant	Add'l Info
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Source **INTN - Internal** Security Level **1**

Form **INTR - Internal** Priority

Class'n **V-C - Cardroom Violations** Complexity **R - Regular**

Security **STND - Standard** Incident **06/20/2022**

Region **SR - Southern Region** Received **07/29/2022**

Reference **61D-11.005(4)(a-c)**


Entered **07/29/2022** Entered By **Imuniz**

<input type="checkbox"/> Parties	<input type="checkbox"/> Activities
<input checked="" type="checkbox"/> Allegations	<input type="checkbox"/> Discipline
<input type="checkbox"/> Violations	<input type="checkbox"/> Compliance
<input type="checkbox"/> Related	<input checked="" type="checkbox"/> Disposition
<input type="checkbox"/> Inspection	
<input type="checkbox"/> Costs	
<input type="checkbox"/> Time Tracking	<input type="checkbox"/> Auto Assign
<input type="checkbox"/> Attachments	<input type="checkbox"/> History
<input type="checkbox"/> Work Notes	<input type="checkbox"/> Print Report

Summary

285-Calder Race Course, Inc. ----- / ----- .
 Prohibitions: On June 20, 2022, at approximately 6:01 P.M., the above mentioned Patron was observed via a surveillance review cheating. The video revealed that at approximately 6:29 P.M., the patron who was later identified as Clifton Smith was sitting at Poker Table # 6, seat #4. As the dealer was changing shifts Smith was seen on video surveillance looking at his cards and realizing that he had a winning hand. He then added an extra chip to his current bet (Capping) to insure a bigger winning payout. The Designated Player sitting at the table observed Smith adding the chip and notified Card room Supervisor Ralph Meshaan of the incident. Meshaan along with Card room Supervisor Scott Burnett, and Security Supervisor Jason Milam confronted Smith about his actions. Smith then voluntarily returned the money that he won without further incident. He was then advised by Security Supervisor Milam that he is excluded from the facility indefinitely pending a review. After Management reviewed the incident Smith was permanently excluded. A copy of the incident report was provided by Calder Casino Director of Compliance Illana Velazquez and video of the incident was provided by Surveillance Manager Leo Martinez.

Updated 07/29/2022 10:02:46	By Imuniz			
<input type="button" value="Change"/>	<input type="button" value="Save"/>	<input type="button" value="OK"/>	<input type="button" value="Cancel"/>	<input type="button" value="Back"/>

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

OPEN CASE REQUEST
 (OTHER THAN THOSE SPECIFIED IN SECTION 120.80(4)(a), F.S.)

INCIDENT DATE: June 20, 2022

PMW Cardroom Slot

Violation Incident Complaint

FACILITY NAME: Calder Race Course Inc. (Calder Casino) LIC #: 285

RESPONDENT

NAME: <u>Clifton Smith</u>		
Address: <u>20115 NE 9th Ave, Miami, Florida 33169</u>		Tel: _____
LIC #: <u>N/A</u>	LIC TYPE: <u>1098</u>	OCCUPATION: <u>Patron</u>

COMPLAINANT

NAME: _____		Tel #: _____
Address: _____		
LIC #: _____	LIC TYPE: _____	OCCUPATION: _____

VIOLATION(S) / TITLE(S): 61D-11.005 Prohibitions.

- (4) No person shall, either directly or indirectly:
- (a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a game or the cardroom operator.
 - (b) Engage in any act, practice, or course of operation that would constitute a fraud or deceit upon any participant in a game or the cardroom operator.
 - (c) Engage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator.

DESCRIPTION: On June 20, 2022, at approximately 6:01 P.M., the above mentioned Patron was observed via a surveillance review cheating. The video revealed that at approximately 5:29 P.M., the patron who was later identified as Clifton Smith was sitting at Poker Table # 6, seat #4. As the dealer was changing shifts Smith was seen on video surveillance looking at his cards and realizing that he had a winning hand. He then added an extra chip to his current bet (Capping) to insure a bigger winning payout. The Designated Player sitting at the table observed Smith adding the chip and notified Card room Supervisor Ralph Meshaan of the incident. Meshaan along with Card room Supervisor Scott Burnett, and Security Supervisor Jason Milam confronted Smith about his actions. Smith then voluntarily returned the money that he won without further incident. He was then advised by Security Supervisor Milam that he is excluded from the facility indefinitely pending a review. After Management reviewed the incident Smith was permanently excluded.

A copy of the incident report was provided by Calder Casino Director of Compliance Iliana Velazquez and video of the incident was provided by Surveillance Manager Leo Martinez.

CASE DETAILS FILED BY:

Chief Inspector Judge/Steward Investigator Other: _____
 (Title of State Employee)

Tyrell D. Smith
 (Print Name)

Tyrell D. Smith
 (Signature)

July 27, 2022
 (Date)

Muniz, Luz

From: Minaya, Julio
Sent: Thursday, July 28, 2022 2:03 PM
To: Muniz, Luz
Cc: Smith, Tyrell; Kogan, Steven
Subject: OCR
Attachments: CALDER OCR (EUSTACHE) 06-18-2022.docx; CALDER OCR (SMITH) 06-20-2022.docx

Luz,

Please open and assign to Tyrell.

Than you



Julio Minaya
Investigative Supervisor
Florida Gaming Control Commission
Division of Pari-Mutuel Wagering
Office of Investigations
1400 West Commercial Boulevard, Suite 165
Ft. Lauderdale, Florida 33309
Office: 954-202-6844 / Fax: 954.202.3930



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Street and Ap _____

City, State, Zi _____

Clifton Smith
 20115 Northeast 9th Avenue
 Miami, Florida 33169
 AC - 2022036656 - PMW

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8-31-22

PS Form 3800, April 2015 PSN 7550-02-000-9047 See Reverse for Instructions

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MIAMI, FL 33169

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