

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

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

Petitioner,

v.

FGCC Case No.: 2022-037245

TAI VAN LY,

Respondent.

FINAL ORDER

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

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 Complaint, Election of Rights form, an Explanation of Rights, and a cover letter were served on Respondent via certified mail.
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. On or about October 31, 2022, Respondent returned a signed Election of Rights form and selected "Option 3" which states that Respondent does not dispute the allegations of material fact in the Administrative Complaint and waives his or her right to any form of hearing. Respondent, by selecting this option, requests that a Final Order imposing a penalty and/or fine be entered in this case. A copy of the Election of Rights is attached hereto as Exhibit "2" and incorporated by reference.

5. Respondent has waived his right to request a hearing in which there is a disputed issue of material fact.

Having considered the Administrative Complaint and Respondent's waiver of his/her right to request a hearing, and being otherwise fully advised in the premises, it is hereby

ORDERED and ADJUDGED:

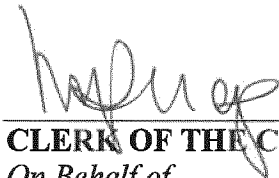
6. The allegations of fact and the conclusions of law in the Administrative Complaint are adopted in their entirety herein.

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 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

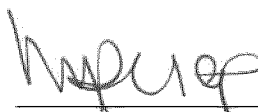
NOTICE OF RIGHT TO APPEAL

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:

Tai Van Ly
8063 Buttonwood Circle
Tamarac, Florida 33321



CLERK OF THE COMMISSION
Florida Gaming Control Commission

CC: Ebonie Lanier

FILED

**Florida Gaming Control Commission
Office of the Agency Clerk**

Clerk Donna Fleming

Date 8/26/2022

**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.: 2022-037245

TAI VAN LY,

Respondent.

ADMINISTRATIVE COMPLAINT

The Florida Gaming Control Commission, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Ty Van Ly (“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 8063 Buttonwood Circle Tamarac, Florida 33321.
3. At all times material hereto, PPI, Inc. 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 July 18, 2022, Respondent was a patron of PPI, Inc. and was ejected from the property.
5. On or about July 22, 2022, Respondent was permanently excluded from PPI, Inc..
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 this 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).

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 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).

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 PPI, Inc. on or about July 22, 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 2022-037245 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

Complaint Search Update | Change Recording License Type | Mass Status Update | Public Case Info | Delete Complaint | Mass Activity Update | Mass Discipline

Domain 10 - Division of Pari-Mutuel Wagering

Logged in as: Immuniz

VR Home > Complaint Search > Maintain Complaint

Lic Type	1098 - Unlicensed Complaints	Status	90 Closed	Status Date	08/10/2022
Complaint #	2022037245	Case Type	CMP - Complaint	Disposition	Disposition Date
Docket#	Respondent	LY, TAI VAN	Responsible	bjones - JONES, BRADFORD	Private Case

Complaint	Respondent	Complainant	Add'l Info
Source	INTN - Internal	Security Level	1
Form	INTR - Internal	Priority	
Class'n	V-C - Cardroom Violations	Complexity	R - Regular
Security	STND - Standard	Incident	07/18/2021
Region	SR - Southern Region	Received	08/02/2022
Reference	61D-11.005(4) & 550.0251		
Entered	08/02/2022	Entered By	Imuniz
Summary	<p>430-PPI, Inc. / Prohibitions & The powers and duties of the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation: On July 18, 2022 TAI VAN LY was observed capping a wager (a form of cheating) while playing THREE (3) CARD POKER at the Pompano Park card room resulting in an act of deceit upon the Designated Player. TAI VAN LY was subsequently permanently excluded from POMPANO PARK</p>		
Updated	08/10/2022 13:46:16	By	Imuniz

- Parties Activities
- Allegations Discipline
- Violations Compliance
- Related Disposition
- Inspection
- Costs
- Time Tracking Auto Assign
- Attachments History
- Work Notes Print Report

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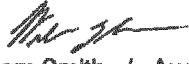

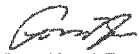
Division of Pari-Mutuel Wagering
Office of Investigations
1400 West Commercial Boulevard, Suite 165
Ft. Lauderdale, Florida 33309
Phone: 954.202.3900 • Fax: 954.202.3930

Louis Trombetta, Executive Director

Ron DeSantis, Governor

OFFICE OF INVESTIGATIONS

INVESTIGATIVE REPORT

Office: PMW	Region: SOUTH	Date of Complaint: AUGUST 2, 2022	Case Number: 2022 03 7245
Respondent: LY, TAI VAN 8063 BUTTONWOOD CIRCLE TAMARAC, FLORIDA 33321		Complainant: DIVISION OF PARI-MUTUEL WAGERING OFFICE OF INVESTIGATIONS 1400 WEST COMMERCIAL BOULEVARD, SUITE 165 FORT LAUDERDALE, FLORIDA 33309	
License # and Type: UNLICENSED PATRON - 1098		Profession: UNKNOWN	Report Date: AUGUST 2, 2022
Period of Investigation: JULY 20, 2022 – AUGUST 02, 2022		Type of Report: FINAL	
<p>Alleged Violation: VIOLATION(S) / TITLE(S): 61D-11.005(4) No person shall, either directly or indirectly:</p> <p>(a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a game or the cardroom operator.</p> <p>(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.</p> <p>(c) Engage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator.</p> <p>F.S.S. 550.0251 (6) The powers and duties of the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation. –</p> <p>In addition to the power to exclude certain persons from any pari-mutuel facility in this 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.</p>			
<p>Synopsis: On July 18, 2022 TAI VAN LY was observed Capping a wager (a form of cheating) while playing ULTIMATE HOLD'EM POKER at the Pompano Park card room resulting in an act of deceit upon the Designated Player. TAI VAN LY was subsequently permanently excluded from Pompano Park (PPI).</p>			
Related Case:			
Investigator / Date  William Smith / August 2, 2022		Investigator Supervisor / Date  Bradford D. Jones / August 10, 2022	
Chief of Investigations / Date  Bradford D. Jones for Steven E. Kogan / August 10, 2022			

CONTINUATION

On July 18, 2022 TAI VAN LY was observed Capping a wager (a form of cheating) while playing Ultimate Hold'em Poker¹ at the Pompano Park card room resulting in an act of deceit upon the Designated Player. TAI VAN LY was subsequently permanently excluded from Pompano Park (EXHIBIT #1).

Upon review of the Surveillance video, this Investigator confirmed the accuracy of the PPI Security and Surveillance reports which noted the activity. During play LY looks at his two hole cards and apparently notes that he has a combination that qualifies for payout as an "Ultimate Pairs Bonus" Wager. Knowing that he has a win, he tosses a one hundred dollar bill to the Dealer to change into chips. This creates a distraction, as the Dealer directs attention away from the players while making change. As the Dealer is cutting out \$100 in chips, LY adds chips to his Ultimate Bonus Wager thus producing an even larger payout. In cheating semantics he "capped" his bet (EXHIBIT #2).

According to PPI Poker Director Vinny Gatto, LY had previously been observed "capping" on other occasions and had been given a verbal warning. LY's action resulted in the issuance of a lifetime exclusion from the PPI property on July 22, 2022 (EXHIBIT #3).

Conclusion: Given the nature of his actions and ensuing lifetime exclusion from a licensed Florida pari-mutuel facility, LY should be considered for exclusion from all pari-mutuel facilities in the state of Florida.

Status: Case closed by Investigations and forwarded to Legal for review.

¹ *Ultimate Hold'em Layout (EXHIBIT #4).*

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**Isle Casino - Pompano
Guest - Cheating
Surveillance Incident: po-SUR-33055**

Log ID: po-SUR-33055
Report Type: Guest
Incident Date/Time: Jul 18, 2022 21:55
Location: TCP-PII

Entering Agent: Lisa Myers
Regarding: Cheating
Reported Date/Time: Jul 18, 2022 22:10
House (Loss)/Gain:
Loss Gain Type:

Exact Location: Table 103
Brief Description: Guest capped his bet

Description

For the purpose of this report all times are approximate

On Monday July 18, 2022 at 2205 hours poker supervisor Dante Rouze advised this dept that the player in seat #1 Tal Van LY capped his ultimate pairs plus bet.

A review was conducted and showed Ly wanted change for a \$100 bill and while the dealer was making change Ly capped his bet. Security lead Tracey Dorreme was advised and approached Ly and advised him he was being ejected for 24 hours due to his actions.

At 2223 hours Ly exits out the north entrance.
At 2225 hours Ly exits out gate #2.

Coverage saved to PO-3305

Entered by: Lisa Myers
Entered on: Jul 18, 2022 22:40

Video Composite Entries

Name		Added On	
Subject(s) Arrested: No		Subject(s) Trespassed: No	
Subject(s) Ejected: No		Length of Ejection:	
Subject(s)			
Dossier ID	Team Member #	Name	Role
180613		Tal Van LY	Suspect

Surveillance Representative _____ Date: _____

EXHIBIT # 1
PAGE # 1

**Isle Casino - Pompano
Guest - Cheating
Surveillance Incident: po-SUR-33055**

Incident Subject

SSN:

IsleOne:

**Last Name: LY
First Name: Tai Van
Middle Name:
Suffix:**

Occupation Information

Occupation:

Contact Information

Mailing Address:

Phone Number:

Physical information

**Gender: Male
Height:
Hair color:
Complexion:
Mustache: Unknown
Beard: Unknown
Birthdate: Mar 07, 1975
Description:
Identifying Features:**

**Race:
Weight:
Hair length:

Goatee: Unknown
Clean Shaven: Unknown
Approx Age: 47**

**EXHIBIT # 1
PAGE # 2**

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

AMENDED ELECTION OF RIGHTS

FGCC v. TAI VAN LY

CASE NO.: 2022-037245

PLEASE CHECK ONLY ONE OF THE THREE OPTIONS.

Option (1) I do not dispute the allegations of material fact in the Administrative Complaint. I wish to submit oral and written evidence in mitigation at a hearing pursuant to Section 120.57(2), Florida Statutes ("informal hearing") and that this oral and written evidence be considered before any penalty and fines are imposed.

Option (2) I do dispute the allegations of material fact in the Administrative Complaint. This is a petition for a hearing involving disputed material facts pursuant to Sections 120.569(2)(a) and 120.57(1), Florida Statutes, ("formal hearing") before an Administrative Law Judge of the Division of Administrative Hearings. I specifically dispute the following paragraphs in the Administrative Complaint (attach extra pages or write on the back if needed):

In addition to the above election for formal hearing, if you wish to enter into settlement negotiations, check the box below:

Section 120.569(2)(a), Florida Statutes, requires the Department to send this case to the Division of Administrative Hearings (DOAH) for a formal hearing within 15 days after receiving your Election of Rights. I am interested in settling this case and waive the 15-day requirement in order to enter into settlement negotiations with the Department.

Option (3) I do not dispute the allegations of material fact in the Administrative Complaint and waive my right to any form of hearing. I request that a Final Order imposing a penalty and fines be entered in this case.

THIS IS A LEGALLY BINDING DOCUMENT. SEEK LEGAL ADVICE BEFORE SIGNING IF YOU DO NOT FULLY UNDERSTAND THE TERMS.

TAI VAN LY
PRINTED NAME

ATTORNEY OR QUALIFIED REPRESENTATIVE

8063 Buttonwood Circle
Street Address

Street Address (where service shall be made)

Tamara FL 33321
City State Zip

City State Zip

954 348 2475
Telephone Number Facsimile Number (if any)

Telephone Number Facsimile Number (if any)

E-mail

E-mail

Tai Van Ly
SIGNATURE

THE ELECTION OF RIGHTS FORM AND ANY ATTACHMENTS SHOULD BE RECEIVED BY THE COMMISSION WITHIN 21 DAYS AND SENT TO:

Office of the General Counsel
Florida Gaming Control Commission
2601 Blair Stone Road, Tallahassee, FL 32399-2202
Attention: Ebonie N. Lanier, Administrative Assistant III
Telephone: (850) 717-1663 Fax: (850) 921-1311
Email: Ebonie.Lanier@fgcc.fl.gov

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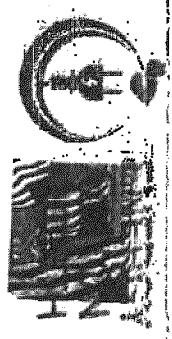


Tai Van-Hy
8063 Putnamwood Cir
Tampa, FL 33321

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