

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

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

Petitioner,

v.

FGCC Case No.: 2022-040952

DANNY OHODUBERT PERLAEZ,

Respondent.

_____ /

FINAL ORDER

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on March 10, 2023, 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 September 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 on January 17, 2023. 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. On or about February 6, 2023, 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 “3” 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:

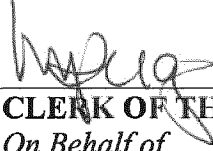
6. The allegations of fact and the conclusions of law in the Administrative Complaint are adopted in their entirety herein.

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 13th day of MARCH, 2023.

FLORIDA GAMING CONTROL COMMISSION



CLERK OF THE COMMISSION

On Behalf of

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 13th day of MARCH, 2023, a true and correct copy of this Final Order has been sent via U.S. Mail to:

Danny Ohodubert Perlaez
3205 East Park Row Drive
Arlington, Texas 76070



CLERK OF THE COMMISSION
Florida Gaming Control Commission

CC: Ebonie Lanier

FILED
FLORIDA GAMING CONTROL COMMISSION
Date: 9/26/2022
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.: 2022-040952

DANNY OHODUBERT PERLAEZ,

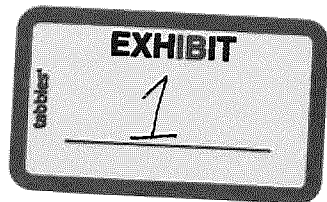
Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Florida Gaming Control Commission, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Danny Ohodubert Perlaez (“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 9020 Northwest 8th Street, Apt. 406 Miami, Florida 33172.
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 July 21, 2022 and July 22, 2022, Respondent was a patron of Magic City Casino.
5. On or about July 22, 2022, Respondent was ejected and permanently excluded from Magic City 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 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 Magic City Casino 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 2022-040952 is signed this 23rd day of September 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.

VR Home	Inbox	Entity	Application	License	Cash	Exam	Inspection	Enforcement	Report
---------	-------	--------	-------------	---------	------	------	------------	-------------	--------

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

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	09/13/2022
Complaint #	2022040952	Case Type	CMP - Complaint	Disposition	Disposition Date
Docket#	Respondent	PERLAEZ, DANNY OHODUBERT	Responsible	bJones - JONES, BRADFORD	Private Case

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

Form INET - Internet Priority

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

Security STND - Standard Incident 07/21/2022

Region SR - Southern Region Received 08/23/2022

Reference 550.0251(6)

Entered 08/23/2022 Entered By Imuniz

Summary

155-West Flagler Associates, LTD ----- / ----- . Power and duties of the Florida Gaming Control Commission: On July 29, 2022, this Investigator received a Magic City Casino weekly exclusion list from Magic City Casino Internal Auditor Yadelin Crespo. Upon viewing the list, this Investigator found that the listed Patron was excluded from the Poker room for theft. On August 1, 2022, this Investigator requested and received copies of the incident reports and all supporting documentation of the incident from Magic City Director of Compliance and Safety Julie Noonan. According to the incident report, Danny Ohodubert PERLAEZ was permanently excluded from the facility based on a BOLO (Be on the lookout) for him removing another Patrons Poker chips from underneath a Poker table on July 21, 2022. PERLAEZ returned to the cardroom on July 22, 2022, and was recognized by the Poker room Supervisor based on the BOLO from the day before. The Poker Supervisor then notified Security who responded to the Poker room along with Police and escorted PERLAEZ from the Poker room to the Security Office, where he was advised by the Security Supervisor that he is permanently excluded from the facility. Based on this information an Open Case Request was submitted to FGCC Investigations Supervisor Julio Minaya for review and approval.

Updated 09/13/2022 15:05:23

By Imuniz

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

21

Change

Save

OK

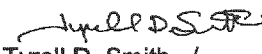


Cancel

Back

Louis Trombetta, Executive Director

Ron DeSantis, Governor

OFFICE OF INVESTIGATIONS
INVESTIGATIVE REPORT

Office: PMW	Region: SOUTHERN	Date of Complaint: August 23, 2023	Case Number: 2022 04 0952
Respondent: PERLAEZ, DANNY OHODUBERT 9020 NW 8TH STREET, APT 406 MIAMI, FLORIDA 33172		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: September 7, 2022
Period of Investigation: August 22, 2022 through September 7, 2022		Type of Report: Final	
<p>Alleged Violation: 550.0251 Powers and duties of the Florida Gaming Control Commission. —The commission shall administer this chapter and regulate the pari-mutuel industry under this chapter and the rules adopted pursuant thereto, and:</p> <p>(6) 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. The commission may authorize any person who has been ejected or excluded from pari-mutuel facilities in this state or another state to attend the pari-mutuel facilities in this state upon a finding that the attendance of such person at pari-mutuel facilities would not be adverse to the public interest or to the integrity of the sport or industry; however, this subsection shall not be construed to abrogate the common-law right of a pari-mutuel permit holder to exclude absolutely a patron in this state.</p> <p>Synopsis: On July 29, 2022, this Investigator received via e-mail an updated weekly exclusion list from Magic City Casino (MCC) Internal Auditor Yadelin Crespo. Review of the list found that Patron Danny Ohodubert PERLAEZ was excluded from the Poker room on July 21, 2022 for theft (EXHIBIT #1).</p> <p>On August 1, 2022, this Investigator requested and received copies of the Incident Report and all supporting documentation related to this incident from Magic City Director of Compliance and Safety Julie Noonan. According to the Incident Report, PERLAEZ was permanently excluded without knowledge from the facility based on a BOLO (Be on the lookout) for removing another patrons poker chips from underneath a poker table seat on July 21, 2022. PERLAEZ returned to the card room on July 22, 2022, and was recognized by the Poker Room Supervisor based on the BOLO from the previous day. The Poker Supervisor notified MCC Security who responded to the poker room with the Police who escorted PERLAEZ to the MCC Security Office where he was advised by the Security Supervisor that he is was being permanently excluded from the facility (EXHIBITS #2 &3).</p> <p>On August 22, 2022, Upon a review and discussion of the incident with Investigative Supervisor Julio Minaya an Open Case Request was submitted.</p>			
Related Case(s):			
Investigator / Date: September 7, 2022		Investigator Supervisor / Date	
 Tyrell D. Smith /		 Julio Minaya / September 12, 2022	
Chief of Investigations / Date			
 Bradford D. Jones for Steven E. Kogan / September 13, 2022			

CONTINUATION

Further investigation into this matter and a review of Magic City Casino Incident Reports #IN20220003427 and IN20220003457 revealed the following; According to Incident Report #IN20220003427 on July 21, 2022, at approximately 6:02:51 P.M., Poker Room Supervisor Iliana Zamora requested a review of Poker Table #1, seat #1 in reference to a patron claiming to have left his poker chips underneath seat #1. Review of video footage confirmed that the chips were left behind and a male patron wearing a green Milwaukee Bucks shirt took the poker chips. At this point a BOLO was placed on the unidentified subject (**EXHIBIT #2**).

Per Incident Report #IN20220003457 on July 21, 2022, patron Andres Genaro Figueroa Vega was seated at Poker Table #1, Seat #1. While sitting at table #1 Vega changed from seat #1 to seat #2 and left behind \$300.00 worth of chips in a chip tray underneath seat #1. He continued to play several hands and then left the card room forgetting to retrieve the chips that he placed under seat #1. Approximately two hours later an unidentified male was observed by surveillance arriving and sitting at Poker Table #1, Seat #1. He was captured on video playing numerous hands before picking up the chips from the floor and counting them. After doing so, he continued to play until he stood up and walked out of the facility. Once Vega realized that he had forgotten the chips, he returned to the facility and informed Poker Supervisor Iliana Zamora who requested a video review of Table #1 (**EXHIBIT #3**).

Incident Report # IN20220003457 also indicates that on July 22, 2022, at approximately 3:45 P.M., MCC Poker Supervisor Sonia Panduro notified Security of an individual that was on the BOLO Watch List. The individual was approached by Security Supervisor Humberto Perez and Security Team Leader Julio Sanchez inside the poker room and was escorted to the Security Office. There he was identified as Danny Ohodubert **PERLAEZ**. **PERLAEZ** was questioned by Perez and Police about the \$300.00 in chips. He admitted to taking the chips, and returned the \$300.00 back to the facility. **PERLAEZ** was advised of the casino rules and regulations by Perez and was permanently excluded from the facility. He was given the Trespass Warning Form, which he acknowledged and signed. He was subsequently allowed to leave the facility without further incident. Immediately thereafter Vega was contacted and informed that he could retrieve his \$300.00 in chips from the MCC Security Office.

Review of video footage revealed numerous discrepancies regarding what was documented in Incident Report IN20220003457, and what was captured on video footage. The Incident Report does not mention that Vega and **PERLAEZ** played next to each other when the theft occurred. Also, the narrative appears to suggest that **PERLAEZ** arrived at table #1 two hours after Vega left the table. The following was noted by this investigator:

At 3:41 P.M., Vega is observed sitting at Poker Table #1, seat #1. He is observed placing a tray of poker chips underneath his seat. He continued to play several hands while never removing the tray from underneath his seat.

4:26 P.M., Vega switched his seat at the table, moving from seat #1 to seat #2. He continued to play and never moved the chips that he had placed underneath seat #1.

4:27 P.M., an unidentified male patron sits in seat #1 and plays several hands until approximately 4:40 P.M. when he gets up and leaves. At no time did this patron remove the chip tray belonging to Vega from underneath seat #1.

4:43 P.M., Vega is still seated at table #1, seat #2 when **PERLAEZ** approached table #1 and sat down in seat #1. **PERLAEZ** is then observed playing several hands of poker.

At 5:35 P.M., **PERLAEZ** is observed reaching underneath the table to his right next to the dealer and retrieves several poker chips from the floor. He hides the chips directly under the table out of view from Vega and counts them. He then retrieved the chip tray and is observed placing the chips in the tray. He places the tray on his lap and holds it out of view underneath the table while he played with his right hand. He is then observed dropping the chip tray to his right and placing the chips that he picked up from the floor into his left front pants pocket.

CONTINUATION

PERLAEZ then played a few more hands however, because surveillance did not continuously record the incident there is no video footage of when Vega and **PERLAEZ** left the table. Attempts by this Investigator to retrieve additional video footage from the Magic City Surveillance Department was met with negative results due to expiration of the video retention date.

Conclusion: Although **PERLAEZ** admitted to the theft and voluntarily returned the money, MCC has elected to permanently exclude him from the facility.

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

CONTINUATION

TABLE OF CONTENTS

I. INVESTIGATIVE REPORT COVERSHEET 1

II. INVESTIGATIVE REPORT 2-11

III. EXHIBITS

 1. Magic City Casino Weekly Exclusion List 1-6

 2. Magic City Surveillance Report # 20220003427 1-2

 3. Magic City Casino Security Report # 20220003457 1-6

 4. Magic City Casino Trespass Warning Form 1-1

 5. Property Receipt 1-1

 6. Accurint Address Verification 1-1

Smith, Tyrell

From: Yadelin Crespo <ycrespo@magiccitycasino.com>
Sent: Friday, July 29, 2022 2:14 PM
To: Suau, Raul; Minaya, Julio; Smith, Tyrell
Cc: Victor Suarez; Julie Noonan; Ileana Zamora
Subject: MCC Weekly Exclusions 07/28/22
Attachments: MCC Weekly Exclusions 2022-07-28.xlsx

[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.

Good Afternoon,

Attached please find MCC's weekly exclusions for this past week.

*State Exclusions last updated 7/14/22 – MCC Master Exclusion List up to date

Thank you,

Work from Home Mondays and Tuesdays

Yadelin Crespo | Internal Auditor

Magic City Casino + Bonita Springs Poker Room

ycrespo@magiccitycasino.com | 305.631.4536

magiccitycasino.com | bonitapoker.com

EXHIBIT # -/
PAGE # -/

Date	Last Name	First Name	DOB	Gender
7/22/2022	Perlaez	Danny Ohodubert	3/17/1980	Male

EXHIBIT #-1
PAGE # -2

Race	Address	City	State
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Hispanic	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Zip	Height	Weight	Hair Color	Eye Color	Build	Length
	5'11	201	Black	Brown	Normal	Permanent
[Redacted]						

EXHIBIT # -1
PAGE # -4

Incident Type	Report#	Photo Taken	Arrested
Theft	IN20220003457	Y	N

EXHIBIT #-1
PAGE # -5

Driver's License	Location	Sublocation
[REDACTED]	[REDACTED]	[REDACTED]
164496770	Poker Room	[REDACTED]
[REDACTED]		

EXHIBIT # -1
PAGE # -4

Incident File Summary ReportIncident File #IN20220003427

Incident File # :	IN20220003427	Record Creation Details	
Date/Time Occurred:	7/21/2022 6:02:51 PM	Department:	Surveillance
Day of Week Occurred:	Thursday	Owner:	2262
Date/Time Created:	7/21/2022 6:08:23 PM	Operator ID:	2262
Date/Time Closed:		Operator Name:	
Closed By:		Personnel ID:	

Location of Incident:

Property:	Magic City Casino
Location:	Poker
Sublocation:	Room

Details of Incident:

Daily Log #:	DL20220026009
Incident Type:	Review Request
Specific:	

Category:

Incident Status: Open

Synopsis: Poker Room Manager, Ileana Zamora requested a review of a patron claiming to have left poker chips underneath seat #1 at Poker Table #1. A video review revealed that a male patron wearing a green Milwaukee Bucks shirt (#34), blue jeans and a beige Timberland hat took the poker chips. A picture of the male patron was sent to Ileana via email. Video saved.

Checklist:**Narrative:**

Created On	Created By	Modified On	Modified By
------------	------------	-------------	-------------

Executive Brief:**EXHIBIT # -2**
PAGE # -1

Reporting Party:

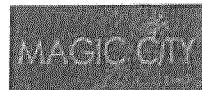
Supervisor:

EXHIBIT #-2
PAGE # -2

Reporting Party:

Supervisor:

Incident File Full Report



iTrak Incident Reporting and Risk Management System Version
2020.1.0.05202

Incident Number: IN20220003457
Date/Time Occurred: 7/22/2022 3:51:33 PM
Day of Week: Friday

Printed By: jsanchez

Printed On: 7/29/2022 at 2:35:09 PM

EXHIBIT # -3
PAGE # ~1

Incident File Full Report

Incident File #IN20220003457

Record Creation Details

Date/Time Occurred: 7/22/2022 3:51:33 PM
Day of Week Occurred: Friday
Date/Time Created: 7/22/2022 5:23:04 PM
Date/Time Closed:
Closed By:

Department: Security

Location of Incident:

Property: Magic City Casino
Location: Poker Room
Sublocation:

Details of Incident:

Daily Log #: DL20220026108
Incident Type: Theft
Specific: \$300 in Chips
Risk Classification:
Incident Status: Open
Custom 3:
Custom 4:

Synopsis: On Friday July 22, 2022, at approximately 3:45 P.M. Poker Supervisor advised Security of a B.O.L.O. that was in the Poker Room. Security Supervisor and Security Team Leader responded to Poker Room and made contact with the male patron and escorted him to the Security vestibule. S.S. and S.T.L. advised the male patron of the incident that occurred on Thursday July 21, 2022 when he took \$300 worth in chips and left the property. Male patron admitted to taking the chips and complied with S.S. and S.T.L. and returned the \$300. Male patron was advised of the rules and regulations of the casino alongside MPD. Male Patron was advised that he is permanently excluded from the property. Male patron acknowledged and signed the Trespass Warning Form and left the Property. Owner of the \$300 was called and advised that his money was retrieved and that he can come collect it from Security.

Checklist:

Narrative: On Friday July 22, 2022, at approximately 3:45 P.M. Poker Supervisor Sonia Panduro (1039) advised Security via phone call of a B.O.L.O. that was in the Poker Room. Security Supervisor Humberto Perez and Security Team Leader Julio Sanchez responded to the Poker Room and made contact with the male patron identified as Danny Ohodubert Perlaez and escorted him to the Security vestibule. S.S. Perez and S.T.L. Sanchez advised the Mr. Perlaez of the incident that occurred on Thursday July 21, 2022 (IN20220003432) when Mr. Perlaez took \$300 worth in chips and left the property. Mr. Perlaez admitted to taking the chips and complied with S.S. Perez and S.T.L. Sanchez and returned the \$300. S.S. Perez and S.T.L. Sanchez reviewed Surveillance video footage alongside MPD of Thursday July 21, 2022, when it appears that the Mr. Andres Figueroa Vega (Owner of the \$300 in

Reporting Party:

Supervisor:

Incident File Full Report**Incident File #IN20220003457**

chips) is seated in Table 1 Seat 1 in which he places \$300 worth of chips under his seat. Then Mr. Figueroa Vega switches to Seat 2 and forgets his chips under seat 1 in which approximately two hours later Mr. Perlaez sat down on Table 1 Seat 1 and noticed the chips. Mr. Perlaez then as time passes on he picks up the chips, counts them and leaves the table. S.S. Perez, S.T.L. Sanchez, and MPD were able to confirm that Mr. Perlaez took the \$300 in chips. Mr. Perlaez was advised of the rules and regulations of the casino alongside MPD. Mr. Perlaez was advised that he is permanently excluded from the property. Mr. Perlaez acknowledged and signed the Trespass Warning Form and left the Property. Owner of the \$300 Mr. Andres Figueroa Vega was called and advised that his money was retrieved and that he can come collect it from Security. The \$300 was returned to Mr. Figueroa Vega when he arrived at 5:50PM.

Executive Brief:

Participants Involved:**Personnel**

Full Name:	Panduro, Sonia P.	Property:	Magic City Casino
Role:	Poker Supervisor	Department:	Poker
Date Of Birth:			

Full Name:	PEREZ, HUMBERTO	Property:	Magic City Casino
Role:	Security Supervisor	Department:	
Date Of Birth:	8/26/1986		

Full Name:	SANCHEZ, JULIO RENE	Property:	Magic City Casino
Role:	Security Team Leader ✓	Department:	Security
Date Of Birth:			

Subject

Full Name:	Perlaez, Danny Ohodubert	Company:	
Role:	Patron		
Date Of Birth:	3/17/1980		
Address:			
Contact Info:			

Full Name:	Figueroa Vega, Andres Genaro	Company:	
Role:	Patron		
Date Of Birth:			
Address:			
Contact Info:	Tel: +51-921-870-395		

Bar/Watch Details

Reporting Party:

Printed: 7/29/2022 2:35:09 PM

Supervisor:

EXHIBIT # - 3
PAGE # - 3

Page 2 / 3

Incident File Full Report

Incident File #IN20220003457

<u>Full Name</u>	<u>Ban/Watch</u>	<u>Start Date</u>	<u>End Date</u>
Perlaez, Danny Ohodubert	Ban	7/22/2022	Permanent
Type Of Ban:	Permanent	Notes:	
Reason For Ban:	Theft		
Identification:	Passport		

List of Attached Records:

Record Type	Summary	Attached By	Date Attached
iDispatch	Dispatch#: DS20220004967 - Daily Log#: DL20220026108 - Call Time: 22/07/2022 15:51:33 - Dispatch Code: APPROACHING PATRON - Dispatch Subcode: - Dispatch Level: - Dispatch Emergency Type: - Property: Magic City Casino - Location: Poker Room - Dispatch Status: Cleared	jsanchez	7/22/2022
Incident File	Incident#: IN20220003432 - Daily Log#: DL20220026017 - Occurred Time: 21/07/2022 18:00:00 - Type: B.O.L.O. - Specific: Theft - Category: - Property: Magic City Casino - Location: Security Vestibule -	jsanchez	7/22/2022

EXHIBIT #-3
PAGE #-4

Reporting Party:

Supervisor:

Media Title

B&W I.D.

Original Filename

Danny B&W ID.pdf

Date Attached

7/22/2022 5:23:01 PM

Attached By

jsanchez

Type

PDF

Size

38140

Media Title

Trespass Warning Form

Original Filename

Trespass Warning
Form.pdf

Date Attached

7/22/2022 5:23:01 PM

Attached By

jsanchez

Type

PDF

Size

612122

7/29/2022 2:35:10 PM

Page 1/2

EXHIBIT # - 3
PAGE # - 5

1

Media Title

Original Filename
Danny Ohodubert
Perlaez.jpg

Date Attached
7/22/2022 5:23:01 PM

Attached By
jsanchez

Type
JPG

Size
2529088



Media Title
Color I.D.

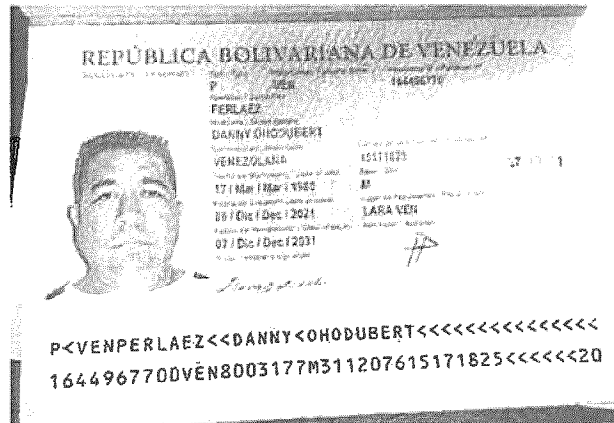
Original Filename
Danny Color ID.jpg

Date Attached
7/22/2022 5:23:00 PM

Attached By
jsanchez

Type
JPG

Size
1001485



7/29/2022 2:35:10 PM

Page 2/2

EXHIBIT # - 3
PAGE # - 4



TRESPASS WARNING

NAME / LAST NAME: Donny Ohadubert Perlaez
DRIVER LICENSE # N/A D.O.B. 3/17/1980
ADDRESS: N/A CITY: N/A ST: N/A ZIP: N/A
RACE: Hispanic SEX: M HEIGHT: 5'11 WEIGHT: 200 HAIR: Black EYES: Brown
REASON FOR TRESPASSING: Theft

The above-named person was advised to stay off MAGIC CITY CASINO property for a period of:

- 24 hrs
- 3 Days
- 7 Days
- 30 Days
- 3 Months
- 6 Months
- 1 Year
- 2 Year
- Permanent

This warning was given on 7/22/22 at 3:57pm hours.

If the above-named person returns onto said property during the stated period of time, it may result in his/her ARREST for Criminal Trespass, in accordance with the applicable provisions of Chapter 810 Florida Statutes. Additionally, MAGIC CITY CASINO may permanently withhold any winnings from the above-named person that were won during the stated period of time.

SUBJECT'S SIGNATURE: X Donny

CASE #: N/A ARRESTED: YES NO

SECURITY AGENT: [Signature] #449 DATE: 7/22/22

POLICE OFFICER / WITNESS: [Signature] #41374

Warned by MPD referenced trespass after warning Subject refused to sign this trespass warning

EXHIBIT # 4
PAGE # 1



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

PROPERTY RECEIPT

Complaint # 2022-04-0952 Date 8/16/22 Lab # _____

Item No.	Quantity	Description
1	1	USB CONTAINING VIDEO FOOTAGE OF INCIDENT. DANNY O'HOCKBERT PEREZ THEFT.

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

Results 1 to 1 of 1

Last Name: PERLAEZ; First Name: DANNY;

1. DANNY PERLAEZ LexID: 9020 NW 8TH ST APT 406
DANNY OHODUBERT 241129287977 MIAMI, FL 33172-3300, MIAMI-
PERLAEZ DL: P642174800970 DADE COUNTY
DOB: 3/17/1980 DL State: FL Mar 2022 - Aug 2022
Age: 42 Issue Date: Jun 22 Probable current address
Gender - Male Exp Date: Jun 23
*View Sources (~1)

Results 1 to 1 of 1

Last Name: PERLAEZ; First Name: DANNY;

Your DPPA Permissible Use: Court, Law Enforcement, or Government Agencies

Your Secondary DPPA Permissible Use: Not Parking Violations nor Traffic/Toll Violations

Your GLBA Permissible Use: Law Enforcement Purposes

Your DMF Permissible Use: No Permissible Purpose

EXHIBIT # -6
PAGE # -1

FAQ | Help | Sign Out

VR Home	Inbox	Entity	Application	License	Cash	Exam	Inspection	Enforcement	Report
---------	-------	--------	-------------	---------	------	------	------------	-------------	--------

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

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	08/23/2022
Complaint #	2022040952	Case Type	CMP - Complaint	Disposition	Disposition Date
Docket#	Respondent	PERLAEZ, DANNY OHODUBERT	Responsible	tsmith2 - SMITH, TYRELL	Private Case

Complaint	Respondent	Complainant	Add'l Info
-----------	------------	-------------	------------

Source INTN - Internal Security Level 1
 Form INET - Internet Priority
 Class'n V-C - Cardroom Violations Complexity R - Regular
 Security STND - Standard Incident 07/21/2022
 Region SR - Southern Region Received 08/23/2022
 Reference 550.0251(6)
 Entered 08/23/2022 Entered By Imuniz

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

Summary 155-West Flagler Associates, LTD ----- / ----- . Power and duties of the Florida Gaming Control Commission: On July 29, 2022, this investigator received a Magic City Casino weekly exclusion list from Magic City Casino Internal Auditor Yadelin Crespo. Upon viewing the list, this investigator found that the listed Patron was excluded from the Poker room for theft. On August 1, 2022, this investigator requested and received copies of the incident reports and all supporting documentation of the incident from Magic City Director of Compliance and Safety Julie Noonan. According to the incident report, Danny Ohodubert PERLAEZ was permanently excluded from the facility based on a BOLO (Be on the lookout) for him removing another Patrons Poker chips from underneath a Poker table on July 21, 2022. PERLAEZ returned to the cardroom on July 22, 2022, and was recognized by the Poker room Supervisor based on the BOLO from the day before. The Poker Supervisor then notified Security who responded to the Poker room along with Police and escorted PERLAEZ from the Poker room to the Security Office, where he was advised by the Security supervisor that he is permanently excluded from the facility. Based on this information an Open Case Request was submitted to FGCC

**Investigations Supervisor Julio Minaya for review
and approval.**

Updated 08/23/2022 08:48:02

By Immuniz

Change

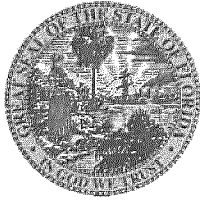
Save

OK

Cancel

Back

 Get Adobe Reader.



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: July 21, 2022

PMW [] Cardroom [x] Slot []

Violation [x] Incident [] Complaint []

FACILITY NAME: WEST FLAGLER ASSOCIATES, LTD (MAGIC CITY CASINO) LIC #: 155

RESPONDENT

NAME: Danny Ohodubert Perlaez
Address: unknown Tel #:
LIC #: N/A LIC TYPE: 1098 OCCUPATION: Patron

COMPLAINANT

NAME: WEST FLAGLER ASSOCIATES LTD (MAGIC CITY CASINO) Tel #:
Address: 450 NW 37 Ave Miami, Florida 33125
LIC #: 155 LIC TYPE: 1002 OCCUPATION: Permit Holder

VIOLATION(S) / TITLE(S): 550.0251 Powers and duties of the Florida Gaming Control Commission. —The commission shall administer this chapter and regulate the pari-mutuel industry under this chapter and the rules adopted pursuant thereto, and:

(6) 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.

DESCRIPTION: On July 29, 2022, this Investigator received a Magic City Casino weekly exclusion list from Magic City Casino Internal Auditor Yadelin Crespo. Upon viewing the list, this Investigator found that the listed Patron was excluded from the Poker room for theft.

On August 1, 2022, this Investigator requested and received copies of the incident reports and all supporting documentation of the incident from Magic City Director of Compliance and Safety Julie Noonan. According to the incident report, Danny Ohodubert PERLAEZ was permanently excluded from the facility based on a BOLO (Be on the lookout) for him removing another Patrons Poker chips from underneath a Poker table on July 21, 2022.

Based on this information an Open Case Request was submitted to FGCC Investigations Supervisor Julio Minaya for review and approval.

CASE DETAILS FILED BY:

Chief Inspector [] Judge/Steward [] Investigator [x] Other: (Title of State Employee)

Tyrell D. Smith (Print Name)

[Signature] (Signature)

August 22, 2022 (Date)

Muniz, Luz

From: Minaya, Julio
Sent: Tuesday, August 23, 2022 8:07 AM
To: Muniz, Luz
Cc: Kogan, Steven
Subject: FW: OPEN CASE REQUEST - MAGIC CITY (PERLAEZ) EXCLUSION- 7-21-22
Attachments: OPEN CASE REQUEST - MAGIC CITY (PERLAEZ) EXCLUSION- 7-21-22.docx

Luz,

Please open and assign to Tyrell.

Thanks



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

From: Smith, Tyrell
Sent: Monday, August 22, 2022 12:29 PM
To: Minaya, Julio
Subject: OPEN CASE REQUEST - MAGIC CITY (PERLAEZ) EXCLUSION- 7-21-22

FOR REVIEW AND APPROVAL



7202 2450 0000 5096 4398

U.S. Postal ServiceSM
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postage \$ _____

1/11/23
Postmark
Here

Danny Ohodubert Perlaez
9020 Northwest 8th Street Apt. 406
Miami, Florida 33172
AC - 2022040952 - PMW

Tracking Number:

Remove X

70202450000050964398

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 1:04 pm on January 17, 2023 in MIAMI, FL 33172.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Feedback

Delivered

Delivered, Left with Individual

MIAMI, FL 33172

January 17, 2023, 1:04 pm

In Transit to Next Facility

January 16, 2023

Departed USPS Regional Facility

OPA LOCKA FL DISTRIBUTION CENTER

January 15, 2023, 4:18 pm

Arrived at USPS Regional Facility

OPA LOCKA FL DISTRIBUTION CENTER

January 14, 2023, 9:14 am

Departed USPS Regional Facility

TALLAHASSEE FL DISTRIBUTION CENTER

January 12, 2023, 11:08 pm

Arrived at USPS Regional Facility

TALLAHASSEE FL DISTRIBUTION CENTER

January 12, 2023, 10:51 pm

● Hide Tracking History

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

STATE OF FLORIDA
 FLORIDA GAMING CONTROL COMMISSION

ELECTION OF RIGHTS

FGCC v. DANNY OHODUBERT PERLAEZ

CASE NO.: 2022-040952

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. The Final Order will be placed on the next available Florida Gaming Control Commission Meeting. Respondent is not required to attend, but may check the Florida Gaming Control Commission website at www.fgcc.fl.gov for the meeting materials, agenda, and contact information.

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

DANNY OHODUBERT PERLAEZ
 PRINTED NAME

 ATTORNEY OR QUALIFIED REPRESENTATIVE

Street Address

Street Address (where service shall be made)

3205 E Park Row Dr

City State Zip

City State Zip

Arlington TX 76010

Telephone Number Facsimile Number (if any)

Telephone Number Facsimile Number (if any)

(682) 401 7345

E-mail

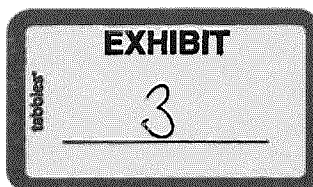
E-mail

Perlaez.danny@gmail.com

SIGNATURE

THE ELECTION OF RIGHTS FORM AND ANY ATTACHMENTS SHOULD BE RECEIVED BY THE COMMISSION WITHIN 31 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



**STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION**

EXPLANATION OF THE ELECTION OF RIGHTS

Please read the Administrative Complaint before choosing one of the three options. The Election of Rights is a legally binding document. Consult an attorney or call the Commission's attorney named in the cover letter if you do not understand your options.

You can only select **ONE** of the options numbered (1), (2) and (3) on the Election of Rights form. You must sign the form. The form must be received by the Commission at the address at the bottom of the form within 21 days after the date you receive the complaint.

The three options are:

1. Check option (1) if you do not dispute any material fact alleged in the Administrative Complaint. You will be given a hearing pursuant to Section 120.57(2), Florida Statutes ("informal hearing") and have the opportunity to present written and oral evidence in mitigation at the informal hearing.

2. Check option (2) if you do dispute any material fact alleged in the Administrative Complaint. This is considered a petition for an evidentiary administrative hearing ("formal hearing") pursuant to Sections 120.569(2)(a) and 120.57(1), Florida Statutes, and requires the Department to send this case to the Division of Administrative Hearings (DOAH) within 15 days of your completed petition requesting a formal hearing. This election is made by checking the box marked (2) on the Election of Rights. Pursuant to Rule 28-106.201, F.A.C., you must also state which material fact(s) alleged in the Administrative Complaint you dispute. Please use the space provided on form, and attach any additional pages or use the back of the form if needed.

After electing option (2) explained above and regardless of whether you dispute any material fact alleged in the Administrative Complaint, you may also request the opportunity to discuss settlement of the case pursuant to Section 120.57(4), Florida Statutes.

3. Check option (3) if you do not dispute any material fact and waive your right to any form of hearing. This means that the Department will recommend a penalty on the charges set forth in the Administrative Complaint without input from you.

If the Department does not receive your Election of Rights within 21 days after you receive the Administrative Complaint, this will be considered a waiver of your right to elect any form of hearing and a Final Order may be entered against you imposing a penalty and fines.

YOU MUST LET THE COMMISSION KNOW IF YOUR MAILING ADDRESS CHANGES

**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

From: Lanier-FGCC, Ebonie
To: Clerk
Subject: FW: Respuesta Al State of Florida Gaming Control Commission. Danny Perlaez
Date: Tuesday, February 7, 2023 8:16:08 AM
Attachments: IMG_1474.jpg
IMG_1472.jpg

Good Morning Melba,

Please file the attached EOR.

Thanks,
Ebonie Lanier

From: Danny Perlaez [mailto:perlaezdanny@gmail.com]
Sent: Monday, February 6, 2023 10:44 PM
To: Lanier-FGCC, Ebonie <Ebonie.Lanier-FGCC@fgcc.fl.gov>
Subject: Respuesta Al State of Florida Gaming Control Commission. Danny Perlaez

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