

STATE OF FLORIDA  
FLORIDA GAMING CONTROL COMMISSION

FLORIDA GAMING CONTROL COMMISSION,  
DIVISION OF PARI-MUTUEL WAGERING

Petitioner,

v.

ANTHONY WILSON,

FGCC Case No.: 2022-052207

Respondent.

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FINAL ORDER

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on October 5, 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:

FINDINGS OF FACT

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

CONCLUSIONS OF LAW

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

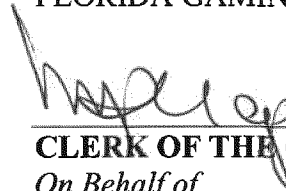
ORDERED and ADJUDGED:

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

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

**DONE AND ORDERED** this 9<sup>th</sup> day of OCTOBER, 2023.

FLORIDA GAMING CONTROL COMMISSION



**CLERK OF THE COMMISSION**

*On Behalf of*

Julie I. Brown, Vice-Chair

Charles Drago, Commissioner

John D'Aquila, Commissioner

Tina Repp, Commissioner

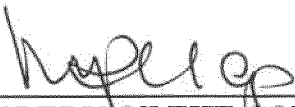
NOTICE OF RIGHT TO APPEAL

Any party to this proceeding has the right to seek its judicial review under section 120.68, Florida Statutes, by the filing of an original notice of appeal pursuant to rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202 (Email: [clerk@fgcc.fl.gov](mailto: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 9<sup>th</sup> day of OCTOBER, 2023, a true and correct copy of this Final Order has been sent via U.S. Mail to:

**Anthony Wilson**  
9764 Troncais Circle  
Thonotosassa, Florida 33592

  
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**CLERK OF THE COMMISSION**  
Florida Gaming Control Commission

CC: Ebonie Lanier

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

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Respondent.

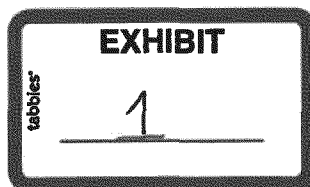
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HEARING OFFICER'S RECOMMENDED ORDER

THIS MATTER came before Elizabeth Stinson, designated Hearing Officer for the Florida Gaming Control Commission ("Commission"), on July 25, 2023, in Tallahassee, Florida, in accordance with the provisions of sections 120.569 and 120.57(2), Florida Statutes, for consideration of the Commission's Administrative Complaint filed against Anthony Wilson ("Respondent"), in FGCC Case Number 2022-052207 ("Administrative Complaint"). The Commission was represented by Emily A. Alvarado, Deputy Chief Attorney. Respondent appeared *pro se* and the hearing was held telephonically. Both sides were permitted to present witnesses, proffer items into evidence, and otherwise fully participate in the hearing.

PRELIMINARY STATEMENT

1. On December 5, 2022, the Commission filed an Administrative Complaint against Respondent alleging that on October 15, 2022, Respondent was ejected and excluded from Tampa Greyhound Track, a licensed pari-mutuel facility in the state of Florida, for a period of one year and that he is subject to exclusion from all licensed pari-mutuel facilities in the state of Florida.



2. On March 10, 2023, the Commission filed an Amended Administrative Complaint against Respondent alleging that on October 15, 2022, Respondent was ejected and excluded from Tampa Greyhound Track, a licensed pari-mutuel facility in the state of Florida, for a period of one year and that he is subject to exclusion from all licensed pari-mutuel facilities in the state of Florida.

3. On March 28, 2023, Respondent sent the Commission an Election of Rights (“EOR”), requesting a formal administrative hearing, but the EOR was found to be defective. The Commission sent Respondent a new EOR and Respondent failed to respond. Therefore, this matter was set for an informal hearing pursuant to section 120.57(2), Florida Statutes.

4. At the informal hearing on June 16, 2023, the Respondent notified the Commission for the first time of Respondent’s intent to call witnesses at the informal hearing. The hearing officer continued the informal hearing to July 25, 2023, to provide the Commission with the opportunity prepare for the presentation of additional witnesses.

The July 25, 2023, Informal Hearing

5. At the informal hearing on July 25, 2023, the Commission presented the issues raised in its Amended Administrative Complaint. The Hearing Officer granted the Commission’s motion to accept the Findings of Fact in the Amended Administrative Complaint as the undisputed facts in the case and accepted the investigative report into the record.

6. At the hearing, Respondent testified about the incident that led to his exclusion at Tampa Greyhound Track:

- a. Respondent stated that he was playing at a poker table during a tournament.
- b. Respondent stated that he was speaking to the player next to him who

indicated that he knew how many chips he had. Respondent stated that he took a 25k chip from the other player as a joke to show him that he would not notice he was missing a chip.

- c. Respondent testified that he intended to return the chip to the other player, but the player got up and moved to another table.
- d. Respondent stated that he told the floor manager that he had taken the chip as a joke and placed the chip under the railing with the intention of returning it to the player. Respondent testified that the chip was later returned to the player.
- e. He further explained that this type of incident happens frequently at Tampa Greyhound Track and Respondent as well as other players regularly engage in "horseplay."
- f. Respondent defined horseplay as doing things that they should not be doing at the poker table.

7. Respondent called his first witness, Michael Lux ("Mr. Lux"), who testified about the incident at Tampa Greyhound Track:

- a. Mr. Lux indicated he had known Respondent for twenty-one years.
- b. Mr. Lux stated that he has been going to pari-mutuel facilities with Respondent for the past four to five years. Mr. Lux indicated that he is a patron at pari-mutuels approximately once or twice a month.
- c. Mr. Lux testified that Respondent grabbed the chip from the patron next to him, but he did not use the chip.
- d. Mr. Lux stated that he has seen this behavior happen frequently at Tampa Greyhound Track.

- e. Mr. Lux testified that it is his opinion that Respondent would not have taken the chip to be malicious.

8. Respondent also called David Cooper (“Mr. Cooper”), to testify regarding the incident at Tampa Greyhound Track:

- a. Mr. Cooper testified that he has been going to Tampa Greyhound Track for over twenty years.
- b. Mr. Cooper further testified that he was not present the day that Respondent was excluded but he saw the video footage of what happened.
- c. Mr. Cooper stated that he knows Respondent from playing poker with him and that they had a very different way of playing poker. He further explained that it is his opinion that taking a chip from another player’s stack is an act of cheating.
- d. When Mr. Cooper was asked if he has taken a chip from another player’s stack, Mr. Cooper stated that he has never done this or seen this done before.

9. Respondent asked that the video footage of the incident be provided to the hearing officer.

10. On July 31, 2023, the Commission provided Respondent and the hearing officer with the footage via email.

11. On August 10, 2023, the Commission resent the video footage at the request of the hearing officer.

12. The hearing officer has viewed the video footage and it appears to the hearing



officer that Respondent did take a chip from another patron's stack of chips.

FINDINGS OF FACT

13. At all times pertinent to the allegations contained herein, Respondent was a patron at Tampa Greyhound Track, a licensed pari-mutuel facility in the state of Florida.

14. On or about October 15, 2022, Respondent was ejected and excluded from Tampa Greyhound Track for a period of one year.

CONCLUSIONS OF LAW

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

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

17. At all times material, Tampa Greyhound Track was a facility operated by a permitholder authorized to conduct pari-mutuel wagering and cardroom activities in the State of Florida.

18. Section 550.0251(6), Florida Statutes, provides in relevant part:

In addition to the power to exclude certain persons from any pari-mutuel facility in the state, the commission may exclude any person from any and all pari-mutuel facilities in this state for conduct that would constitute, if the person were a licensee, a violation of this chapter or the rules of the commission. The commission may exclude from any pari-mutuel facility within this state any person who has been ejected from a pari-mutuel facility in this state or who has been excluded from any pari-mutuel facility in another state by the governmental department, agency, commission, or authority exercising regulatory jurisdiction over pari-mutuel facilities in such other state.

(Emphasis supplied).

19. Respondent is subject to exclusion from all licensed pari-mutuel facilities in the

state of Florida based on his exclusion from Tampa Greyhound Track on October 15, 2022. *See* § 550.0251(6), Fla. Stat.

20. Respondent's testimony neither mitigates the fact that Respondent was excluded from Tampa Greyhound Track for one year, nor precludes the Commission from excluding Respondent from all licensed pari-mutuel facilities in the State of Florida. *See Id.*

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

RECOMMENDED ORDER

Based upon the Findings of Fact and Conclusions of Law, it is hereby recommended that the Florida Gaming Control Commission issue a Final Order excluding Respondent from all pari- mutuel facilities in the State of Florida for a period of one year.

This Recommended Order in FGCC Case Number 2022-052207 is submitted this 3rd day of October, 2023.

/s/ Elizabeth K. Stinson  
Elizabeth K. Stinson  
Hearing Officer  
Florida Gaming Control Commission

CERTIFICATE OF SERVICE

I hereby certify this 4th day of October, 2023, that a true copy of the foregoing "Hearing Officer's Recommended Order" has been provided by mail and email to:

**Anthony Wilson**  
9764 Troncais Circle  
Thonotosassa, Florida 33592

/s/ Melba L. Apellaniz  
Agency Clerk  
Florida Gaming Control Commission