

**FILED**  
**FLORIDA GAMING CONTROL COMMISSION**  
Date: 4/04/2024  
File Number: 2024-00041  
**BY: MELBA L. APELLANIZ**  
**CLERK OF THE COMMISSION**

STATE OF FLORIDA  
FLORIDA GAMING CONTROL COMMISSION

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

Petitioner,

v.

FGCC Case No.: 2023-003527

MARQUITTA JONES,

Respondent.

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**FINAL ORDER**

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on April 3, 2024, for final agency action pursuant to sections 120.569 and 120.57(2), Florida Statutes. After a complete review of the records in this matter, the Commission makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

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

**CONCLUSIONS OF LAW**

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

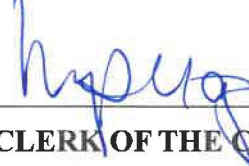
ORDERED and ADJUDGED:

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

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

**DONE AND ORDERED** this 4<sup>th</sup> day of April, 2024.

FLORIDA GAMING CONTROL COMMISSION



**CLERK OF THE COMMISSION**

*On Behalf of*

Julie Brown, Vice-Chair

John D' Aquila, Commissioner

Charles Drago, Commissioner

Tina Repp, Commissioner

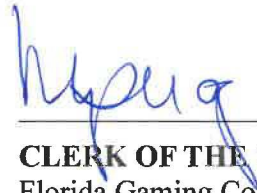
NOTICE OF RIGHT TO APPEAL

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, 4070 Esplanade Way, Tallahassee, Florida 32399-2202 (email: clerk@flgaming.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 this 4<sup>th</sup> day of April, 2024, that a true copy of the foregoing has been furnished by U.S. mail to:

**Marquitta Jones**  
12555 Biscayne Blvd. Apt. 702  
Miami, FL 33181  
marquitta2jones@yahoo.com



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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

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

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FGCC Case No.: 2023-003527

MARQUITTA JONES,

Respondent.

\_\_\_\_\_ /

HEARING OFFICER’S RECOMMENDED ORDER

THIS MATTER came before Elizabeth K. Stinson, designated Hearing Officer for the Florida Gaming Control Commission (“Commission”), on January 4, 2024, 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 Marquitta Jones (“Respondent”), in FGCC Case Number 2023-003527 (“Administrative Complaint”). The Commission was represented by Emily A. Alvarado, Deputy Chief Attorney and the hearing was held telephonically.

PROCEDURAL HISTORY

1. On or about July 17, 2023, the Commission filed an Administrative Complaint against Respondent alleging that Respondent was a patron of and was ejected and excluded from Calder Casino, a permit holder licensed to conduct pari-mutuel wagering, slot machine, and cardroom operations in the state of Florida. The Administrative Complaint sought to exclude Respondent from all licensed pari-mutuel wagering facilities and all facilities of a slot machine licensee in the state of Florida.

2. On or about November 14, 2023, the Commission received an Election of Rights form from Respondent. Respondent selected both the option requesting a hearing in accordance with the provisions of section 120.569 and 120.57(2), Florida Statutes, and the option waiving Respondent's right to a hearing and requesting that the Commission enter a Final Order imposing a penalty in this case.

3. Additionally, the Commission received with the Election of Rights form an email stating that Respondent was "not going any further" with her case and that she would "take the ban."

4. At the informal hearing, the undersigned attempted to contact Respondent telephonically twice during the timeframe listed on the Notice of Hearing sent to Respondent and respondent did not answer. There is no evidence that Respondent requested a continuance of the hearing. Therefore, the hearing proceeded without Respondent present.

5. During the January 4, 2024, hearing the Commission presented the issues raised in its Administrative Complaint. The undersigned granted the Commission's motion to accept the Findings of Fact in the Administrative Complaint as the undisputed facts in the case and accepted the investigative report into the record.

#### FINDINGS OF FACT

6. At all times material hereto, Calder Casino was a facility operated by a permitholder authorized to conduct pari-mutuel wagering, slot machine, and cardroom operations in the state of Florida.

7. On or about January 2, 2023, Respondent was a patron of Calder Casino and was ejected from Calder Casino.

8. On or about January 16, 2023, Respondent was permanently excluded from Calder Casino.

#### CONCLUSIONS OF LAW

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

10. The Commission has jurisdiction over this matter pursuant to chapters 120, 550, and 551, Florida Statutes.

11. At all times material hereto, Calder Casino was a facility operated by a permit holder authorized to conduct pari-mutuel wagering, cardroom, and slot machine operations in the state of Florida.

12. 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).

13. 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).

14. Respondent is subject to permanent exclusion from all licensed pari-mutuel wagering facilities and all facilities of a slot machine licensee in the state of Florida based on Respondent's ejection and permanent exclusion from Calder Casino.

15. 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 permanently excluding Respondent from all pari-mutuel wagering facilities and all facilities of a slot machine licensee in the state of Florida.

This Hearing Officer's Recommended Order in FGCC Case Number 2023-003527 is submitted this 29th day of March 2024.

*Elizabeth K. Stinson*

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Elizabeth K. Stinson  
Hearing Officer  
Florida Gaming Control Commission



CERTIFICATE OF SERVICE

I hereby certify this 1<sup>st</sup> day of April 2024, that a true copy of the foregoing "Hearing Officer's Recommended Order" has been provided by mail and email to:

**Marquitta Jones**  
12555 Biscayne Blvd  
Apartment 702  
Miami, FL 33181  
Marquitta2Jones@yahoo.com



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