

STATE OF FLORIDA  
FLORIDA GAMING CONTROL COMMISSION

FLORIDA GAMING CONTROL COMMISSION,  
DIVISION OF PARI-MUTUEL WAGERING

Petitioner,

v.

DIXA HARISH PATEL,

FGCC Case No.: 2023-005829

Respondent.

\_\_\_\_\_ /

FINAL ORDER

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on September 7, 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.

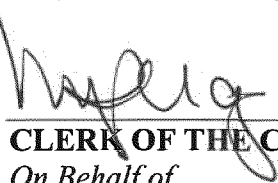
ORDERED and ADJUDGED:

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.

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

**DONE AND ORDERED** this 8<sup>th</sup> day of SEPTEMBER, 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

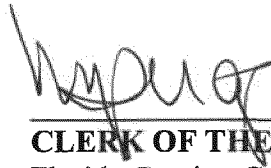
NOTICE OF RIGHT TO APPEAL

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 8<sup>th</sup> day of SEPTEMBER, 2023, a true and correct copy of this Final Order has been sent via U.S. Mail to:

**Dixa Harish Patel**  
1444 Northwest 14th Avenue, Apartment 1403  
Miami, Florida 33125



---

**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.: 2023-005829

DIXA HARISH PATEL,

Respondent.

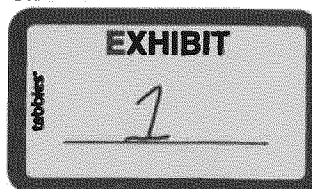
I

HEARING OFFICER'S RECOMMENDED ORDER

THIS MATTER came before Elizabeth K. Stinson, designated Hearing Officer for the Florida Gaming Control Commission ("Commission"), on June 15, 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 Dixa Harish Patel ("Respondent"), in FGCC Case Number 2023-005829 ("Administrative Complaint"). The Commission was represented by Emily A. Alvarado, Deputy Chief Attorney. Respondent appeared *pro se* and the hearing was held via videoconference. Both sides were permitted to present witnesses, proffer items into evidence, and otherwise fully participate in the hearing.

PRELIMINARY STATEMENT

1. On March 13, 2023, the Commission filed an Administrative Complaint against Respondent alleging that on January 20, 2023, Respondent was permanently excluded from Magic City Casino, and that she is subject to exclusion from all licensed pari-mutuel facilities and all facilities of a slot machine licensee in the state of Florida.



2. On April 10, 2023, Respondent requested an informal hearing pursuant to section 120.57(2), Florida Statutes.

The June 15, 2023, Informal Hearing

3. At the informal hearing on June 15, 2023, the Commission presented the issues raised in its Administrative Complaint. The Hearing Officer 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.

4. The investigative packet that was admitted into the record contained an Incident File Full Report detailing the events leading up to Respondent's exclusion from Magic City Casino.

5. The Incident File Full Report states that Respondent was capping bets, a type of cheating.

6. At the hearing, Respondent testified about the events that surrounded her exclusion from Magic City Casino:

a. Respondent stated that she is in the third year of her medical studies in Miami, Florida.

b. Respondent stated that earlier in the day on the date of the incident, January 19, 2023, she had witnessed the traumatic death of a patient for the first time.

c. Respondent stated that witnessing this death affected her deeply.

d. Respondent stated that when she returned home from her shift, she took a Benzodiazepine that was not prescribed to her before using an Uber to travel to Magic City Casino. Respondent noted that she does not usually take

medications that are not prescribed to her.

e. Respondent testified that she frequently visits pari-mutuel cardrooms as her schedule allows, indicating she sometimes visits twice per week, other times not for a few weeks. She explained that she would play poker to de-stress. Respondent noted that sometimes she would go with her partner, but on other occasions she would visit alone.

f. Respondent mentioned she was completely shocked when she received the Administrative Complaint Packet from Petitioner, as she did not recall the incident, but she did not dispute the facts alleged therein.

g. Respondent accepts her permanent exclusion from Magic City Casino due to the allegations in the Administrative Complaint. However, Respondent would like to be able to continue to visit other pari-mutuel card rooms to continue her hobby of playing poker.

h. Respondent also stated her concerns regarding the effect an exclusion may have on her as she is in medical school, namely as to whether an exclusion would be visible in a background check. Respondent would like a chance to not be placed on a state-wide exclusion list.

#### FINDINGS OF FACT

7. On or about January 19, 2023, Respondent was a patron of Magic City Casino.

8. On or about January 20, 2023, Respondent was permanently excluded from Magic City 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, Magic City Casino was a facility operated by a permitholder 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. Pursuant to sections 550.0251(6), Florida Statutes, and section 551.112, Florida Statutes, Respondent is subject to exclusion from all licensed pari-mutuel facilities and all facilities of a slot machine licensee in the State of Florida based on her permanent exclusion from Magic City Casino on January 20, 2023.

15. Respondent's testimony neither mitigates the fact that Respondent was permanently excluded from Magic City Casino, nor precludes the Commission from excluding Respondent from all licensed pari-mutuel facilities and all facilities of a slot machine licensee in the State of Florida.

16. 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 facilities and all facilities of a slot machine licensee in the State of Florida.

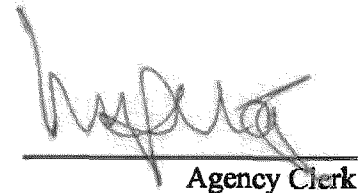
This Hearing Officer's Recommended Order in FGCC Case Number 2023-005829 is submitted this 5th day of September, 2023.

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

**CERTIFICATE OF SERVICE**

I hereby certify this 5th day of September 2023, that a true copy of the foregoing  
"Hearing Officer's Recommended Order" has been provided by mail to:

**Dixa Harish Patel**  
**Respondent**  
[DixaPatel44@gmail.com](mailto:DixaPatel44@gmail.com)  
1444 Northwest 14th Avenue, Apt. 1403  
Miami, Florida 33125



Agency Clerk  
Florida Gaming Control Commission