

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.: 2023-012964

TIMOTHY MACDONALD,

Respondent.

_____ /

FINAL ORDER

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on July 12, 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 May 12, 2023, 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 June 5, 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 "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:

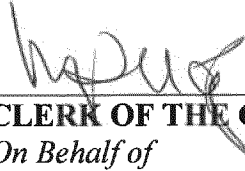
6. The allegations of fact and the conclusions of law in the Administrative Complaint are adopted in their entirety herein.

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 13th day of July, 2023.

FLORIDA GAMING CONTROL COMMISSION



CLERK OF THE COMMISSION

On Behalf of

C.B. Upton, Chairman

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), 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 JULY, 2023, a true and correct copy of this Final Order has been sent via U.S. Mail to:

Timothy Macdonald
19113 North 19th Place
Phoenix, Arizona 85024



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.: 2023-012964

TIMOTHY MACDONALD,

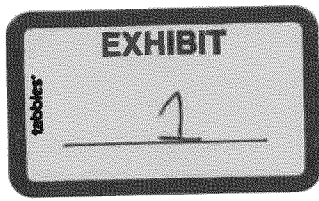
Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

The Florida Gaming Control Commission, Division of Pari-Mutuel Wagering (“Petitioner”), files this Administrative Complaint against Timothy Macdonald (“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 19113 North 19th Place Phoenix, Arizona 85024.
3. At all times material hereto, Calder 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 October 21, 2022, Respondent was a patron and was ejected from Calder Casino.
5. On or about November 8, 2022, Respondent permanently excluded from Calder 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 exclusion from Calder Casino on or about November 8, 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 2023-012964 is signed this 5th day of May 2023.

/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@flgaming.gov
Secondary: Ebonie.Lanier@flgaming.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: nmelval

VR Home > Complaint Search > Maintain Complaint

Lic Type	1098 - Unlicensed Complaints	Status	90 Closed	Status Date	04/23/2023
Complaint #	2023012964	Case Type	CMP - Complaint	Disposition	Disposition Date
Docket#	Respondent	MACDONALD, TIMOTHY	Responsible	b/jones - JONES, BRADFORD	Private Case

Complaint | Respondent | Complainant | Add'l Info

Source **INTN - Internal** Security Level **1**
 Form **INTR - Internal** Priority
 Class'n **OTHR - Other** Complexity **R - Regular**
 Security **STND - Standard** Incident **10/21/2022**
 Region **SR - Southern Region** Received **03/06/2023**

Reference **550.0251**

Entered **03/07/2023** Entered By **lcampbell**

Summary
285 - Calder Race Course Inc. - 550.0251 - Powers and duties of the Florida Gaming Control Commission: On October 21, 2022 [REDACTED] and Timothy, MACDONALD visited Calder Casino. During their visit they were stopped by Calder Casino's Director of Security, JC Lara when he received a complaint about two individuals that were inserting \$100 bills into slot machines and without playing printing out vouchers. They did this numerous times prior to his approach. Upon speaking with them he discovered that they had Players club cards which were not in their name. They each had three Players Club cards belonging to other patrons that were not present in the Casino. All six cards were seized and both MACDONALD's were permanently excluded from the facility.

Updated **04/25/2023 12:55:48** By **nmelval**

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

47 Days

Change

Save

OK

Cancel

Back

Minaya, Julio

From: Suau, Raul
Sent: Friday, January 27, 2023 3:14 PM
To: Minaya, Julio
Subject: FW: Updated Exclusions-Evictions List W.E. 11-13-2022
Attachments: Updated Exclusions-Evictions List 11-13-2022.xlsx

This is the first time they appear on the exclusion listing under lifetime exclusions

From: Melissa Brook [REDACTED]
Sent: Tuesday, November 15, 2022 9:32 AM

[REDACTED]

Subject: Updated Exclusions-Evictions List W.E. 11-13-2022

[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 Morning,

Attached is our Exclusion/Eviction List for the week ending 11-13-2022.

Updates for W.E. 11-13-2022

Self-Exclusions: 1 – Updated in SP and FT

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
------------	------------	------------	------------	------------	------------	------------	------------	------------	------------	------------

Underage: None

Lifetime – Card Room: None

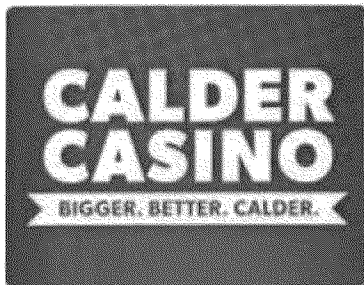
Lifetime: 2 – Updated in SP & FT

11/8/2022	Calder	Macdonald	Timothy	[REDACTED]	19113 N 19th Place	Phoenix	AZ	85024	M
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Reinstatements: None

Employee: None

Thank you,
Melissa



MELISSA BROOKS

Risk & Communications Manager

21001 NW 27th Avenue | Miami Gardens, FL 33056

Office: (305) 625-1311 ext 3285

Melissa.Brooks@CalderCasino.com



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Calder Casino & Race Course

21001 NW 27th Avenue
Miami Gardens, Florida United States
33056

Incident Report

Incident Number: SEC-2022-10-00059

Class/Category: Non Criminal/Persons

Occurred From Date/Time: 10/21/2022 12:30 PM

Status: Open



Incident Number: SEC-2022-10-00059

Class/Category: Non Criminal/Persons

Status: Open

Incident Details

Incident Details

Incident Number: SEC-2022-10-00059

Classification

Class: Non Criminal

Category: Persons

Subcategory: Suspicious Activity \ AML

Type: Guest

Reported Date/Time: 10/21/2022 1:59 PM

Occurred From Date/Time: 10/21/2022 12:30 PM

Occurred To Date/Time: 10/21/2022 12:42 PM

Incident Duration: 0Hrs. 12Min.

Business Unit

Business Unit: Gaming

Summary:

Casino guests Timothy Macdonald and [REDACTED] were observed bill stuffing on the casino floor. Both guests were approached by security and questioned on the matter. Ultimately both guests were asked to leave property and not return unless directed by the director of security JC Lara.

Physical Location

Site: Casino

Building: Front of House

Location: Bar

Supplemental Details

Reported to Police: No

Incident Involvement Section

Linked Person

Total = 2

Owner Workgroup:
Security

Access Level:
Level 5 (Highest)

Local Print Date/Time:
10/21/2022 6:24 PM

Page 1 of 6

Exhibit # 2
Page # 2

Incident Number: SEC-2022-10-00059

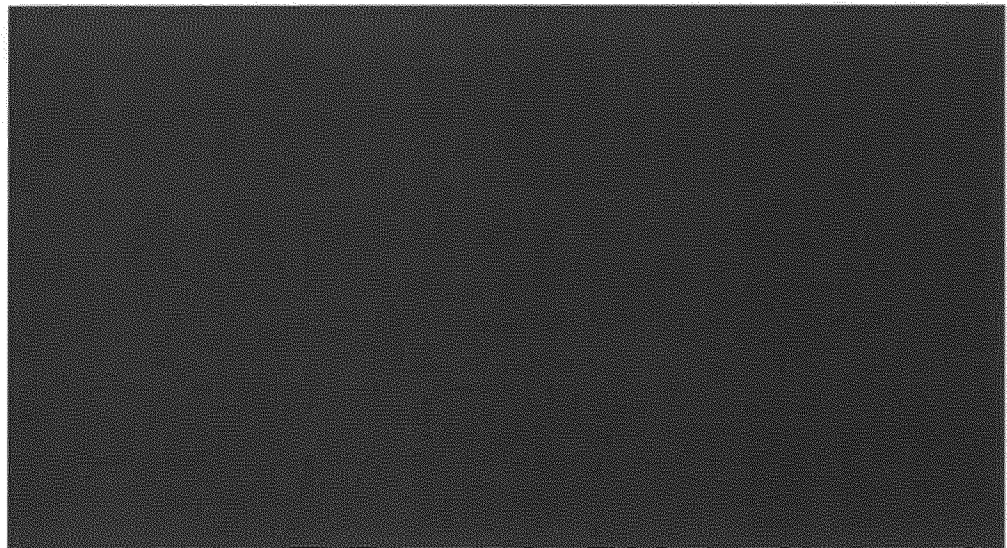
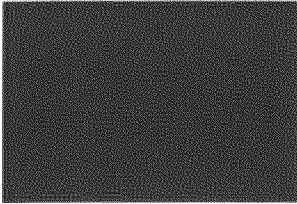
Class/Category: Non Criminal/Persons

Status: Open

MACDONALD, Scott

Involvement Type:

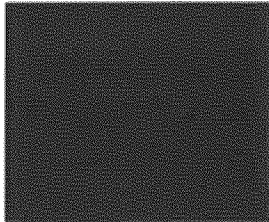
Suspect



MACDONALD, Timothy

Involvement Type:

Suspect



Date of Birth:	[REDACTED]	Phone Number:	
Gender:	White Male	Address:	
Hair Color:	Brown		
Eye Color:	Blue		
Height:	5' 9"		
Weight:	195lbs	First Aid Administered?:	No
Marital Status:		Person Hospitalized?:	No
Employee?:	No	Injured:	No
Interviewed?:	Yes	Notes:	
Linked To Person:	Macdonald, Timothy		

Incident Number: SEC-2022-10-00059

Class/Category: Non-Criminal/Persons

Status: Open

Incident Narratives

Incident Narratives

Total = 1

AUTHOR:	Lara, Jean	Narrative Type:	Original Narrative
Created By Date/Time	10/21/2022 6:14 PM	Sealed	No
Narrative:			

Owner Workgroup:
Security

Access Level:
Level 5 (Highest)

Local Print Date/Time:
10/21/2022 6:24 PM

Page 3 of 6

Exhibit # 2
Page # 4

Origin of Call: On Friday October 21, 2022 Director of Security JC Lara was made aware that two male guests were bill stuffing on the casino floor. D/S Lara entered the surveillance review room to observe their activity in real time. Both guests were observed at the 3B banks (3B04 / main bar location) minimally gaming and stuffing bills into the machines. It was also made known that both guests were using multiple players cards with different names. At this time it was determined that security would approach and question both guests.

Interview: I, JC Lara, approached one of the male suspects now known as Timothy Macdonald at NRT 10 where he was cashing out multiple vouchers. As Mr. Macdonald turned around, I introduced myself and asked him for his ID. As he handed me his ID I advised him that we have been observing he and his friend for the duration of their visit continuously insert bills into the slot machines, print the tickets and cash them out, all while playing the games on a very minimal level. I asked what the reason for this type of activity was. Mr. Macdonald stated he was inserting the bills to get more tickets. I advised him to elaborate as his answer was not making much sense. He stated his reasoning for inserting bills was to get the money onto tickets and play with the tickets instead. I stated to him that his answer did not make much sense because they were barely playing the actual game, if at all. He states he and his friend were playing roulette mostly, I again reiterated that it was at a very minimal level for the amount of cash he was inserting into the machines. The conversation shifted to asking him why he was playing with multiple player's cards that did not belong to him. His answer was those cards belonged to his friends, I asked him to identify who those friends were and he only mentioned "Tamika" & "Herschel". I asked why would he be playing with their account instead of his own? He stated it was so they can get the points, he was doing it as a favor. I then advised him that playing with someone else's card is prohibited and he can no longer do so. I then asked him to follow me to the bar where his acquaintance was playing

We then approach the main bar (3B04) where his acquaintance now identified a [REDACTED] was playing. I approached 3B04 and pulled the players card that was inserted in the machine at the time. The name on the card read "Ian [REDACTED]". Once I confirmed this was not his name by checking his ID, I asked both individuals to hand over all of the players cards in their possession. Both handed me 3 cards each, there were duplicates of Herschel [REDACTED] and Tamekia [REDACTED] in addition to one card belonging to Alon [REDACTED]. I asked them how they got possession of these cards and both stated they were friends theirs. I informed them that what they were both doing is considered illegal and need their full cooperation and honesty with this situation. I again asked how they were in possession of the cards and what their motive was with stuffing the slot machines with money and cashing out. Mr. Macdonald then stated a friend of his by the name of "Aaron" who is from Vegas gave them the cards and the cash. When I asked what the reason behind it was, he really couldn't answer and assumed it was to get promotional points on the account for whom those cards belong to. I advised him that would't make sense since they were barely playing the games. I asked what he and his friend were getting in return for their actions and he stated "We maybe get 50-100 bucks".

At this point I advised both Tim and [REDACTED] Macdonald that their actions in the casino today were considered very suspicious and mirrored illegal activities such as money laundering which is illegal and could result in jail time if found guilty of it. I advised both of them that their gaming privileges at Calder would be revoked immediately pending an investigation and that they could not return to the property unless advised by me, the director of Security. I informed them that returning to property without approval would result in their arrest, both stated they understood and apologized.

Both individuals were escorted out the casino north entrance. They entered a black ford mustang parked in lot D with tag [REDACTED]. They stayed in their vehicle for a few minutes before departing property at 12:47 hours. Surveillance was advised and maintained coverage for the duration of the call, nothing further at this time.

Attachments: DL pictures of both Tim Macdonald and [REDACTED] Players club cards belonging to Ian [REDACTED] Tameki [REDACTED], Hersche [REDACTED] and Alona [REDACTED].

Incident Number: SEC-2022-10-00059

Class/Category: Non Criminal/Persons

Status: Open

Attachments

Selected for Printing

Total = 2

[Redacted]

[Redacted]

[Redacted]

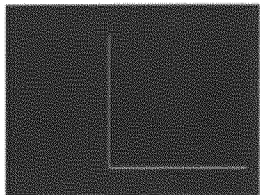
[Redacted]

[Redacted]

[Redacted]

Description:

Timothy Macdonald ID



Attachment Type: Picture
File Name: Timothy Macdonald ID.jpg
File Size: 3122 KB
Description:

Additional Attachments

Total = 1

Attachment Title: PC cards File Name: PC cards.pdf
Attachment Type: Document File Size: 347 KB
Description:

Incident Number: SEC-2022-10-00059

Class/Category: Non Criminal/Persons

Status: Open

Incident Controls

Incident Controls

<u>Org Rollup Name</u>	Access Level:	Level 5 (Highest)
Org Level 1:	Status:	Open
Org Level 2:		
Org Level 3:		
Org Level 4:	Locked:	No
	Archive (record not visible):	No
	Record Owner:	Lara, Jean

Incident Visibility

Owner Workgroup: Security
All Workgroups: None

Exceptions: Workgroup Name Record Rights



Incident Record Created By jean.lara, 10/21/2022 6:07 PM GMT

Last Modified By jean.lara, 10/21/2022 10:24 PM GMT

Calder Casino & Race Course

21001 NW 27th Avenue
Miami Gardens, Florida United States
33056

Incident Report

Incident Number: SURV-2022-10-00060

Class/Category: Criminal/Cheating

Occurred From Date/Time: 10/21/2022 10:31 AM

Status: Open



CALDER CASINO & RACE COURSE
A Division of Pennwoods Corporation

Incident Number: SURV-2022-10-00060

Class/Category: Criminal/Cheating

Status: Open

Incident Details

Incident Details

Incident Number: SURV-2022-10-00060

Classification

Class: Criminal

Category: Cheating

Reported Date/Time: 10/21/2022 4:36 PM

Occurred From Date/Time: 10/21/2022 10:31 AM

Occurred To Date/Time: 10/21/2022 12:42 PM

Incident Duration: 2Hrs. 11Min.

Business Unit

Business Unit: Non Gaming

Department: Security

Summary:

On October 21, 2022 Surveillance was advised of two guests who were observed engaging in suspicious gaming activity, bill stuffing.

Physical Location

Site: Casino

Building: Front of House

Supplemental Details

Reported to Police: No

Incident Involvement Section

Linked Person

Total = 8

Owner Workgroup:
Surveillance

Access Level:
Level 2

Local Print Date/Time:
10/24/2022 10:49 AM

Page 1 of 8

Exhibit # 3
Page # 2

Incident Number: SURV-2022-10-00060

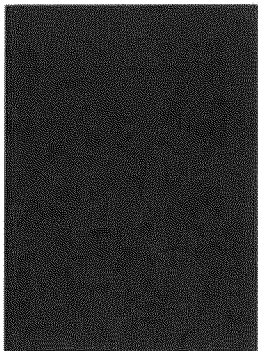
Class/Category: Criminal/Cheating

Status: Open

DUNCAN, Jason

Involvement Type:

Witness



Date of Birth:

Gender: Male

Hair Color:

Eye Color:

Height: 00' 00"

Weight: 0lbs

Marital Status:

Employee?: Yes

Interviewed?: No

Linked To Person: , Jason

Phone Number:

Address:

First Aid Administered?: No

Person Hospitalized?: No

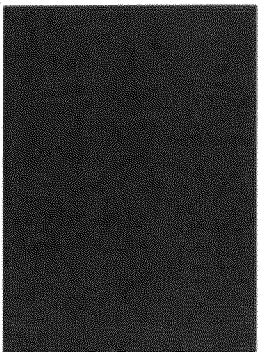
Injured: No

Notes:

LARA, Jean

Involvement Type:

Reporting Party



Date of Birth:

Gender:

Hair Color:

Eye Color:

Height:

Weight:

Marital Status:

Employee?:

Interviewed?:

Linked To Person: ean

Phone Number:

Address:

First Aid Administered?: No

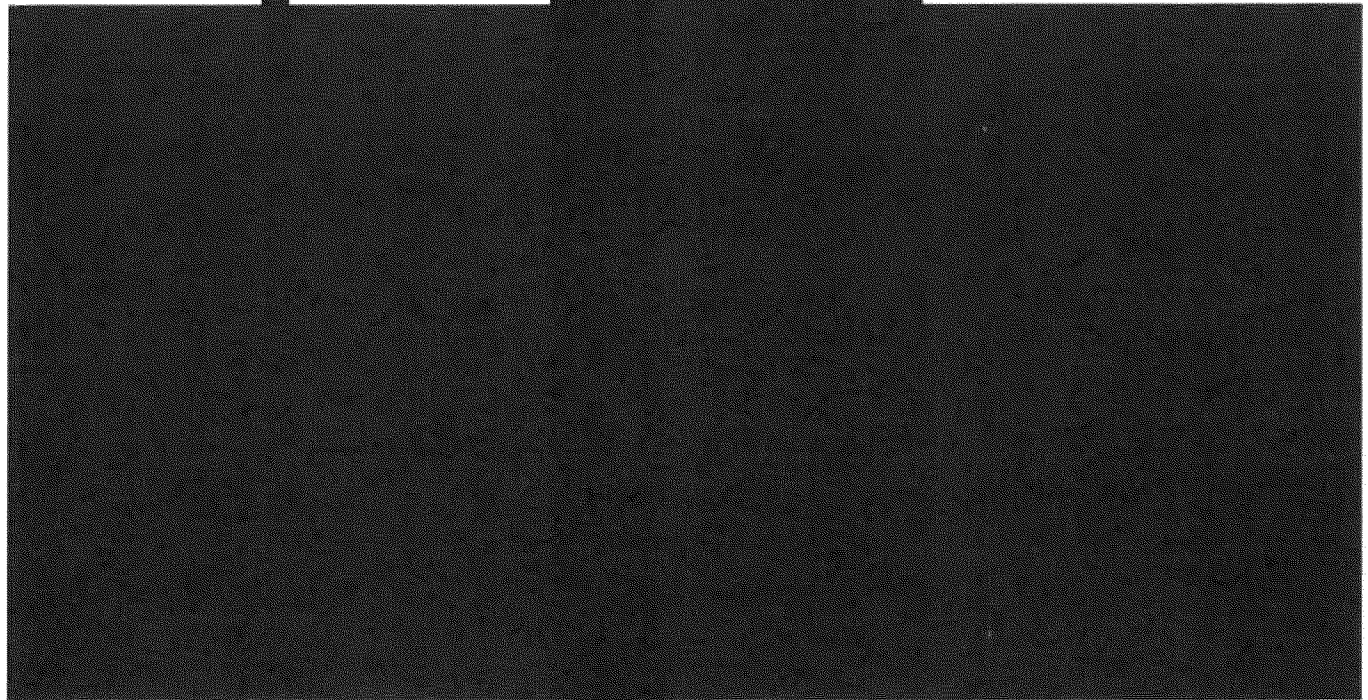
Person Hospitalized?: No

Injured: No

Notes:

Incident Number:

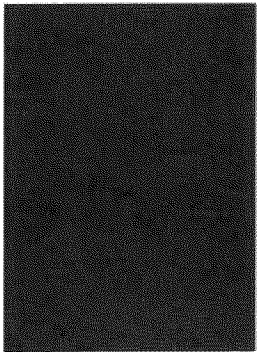
Class/Case



MACDONALD, Timothy

Involvement Type:

Suspect



Date of Birth:

Gender:

Hair Color:

Eye Color:

Height:

Weight:

Marital Status:

Employee?:

Interviewed?:

N

Y

Phone Number:

Address:

First Aid Administered?: No

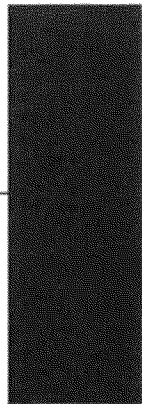
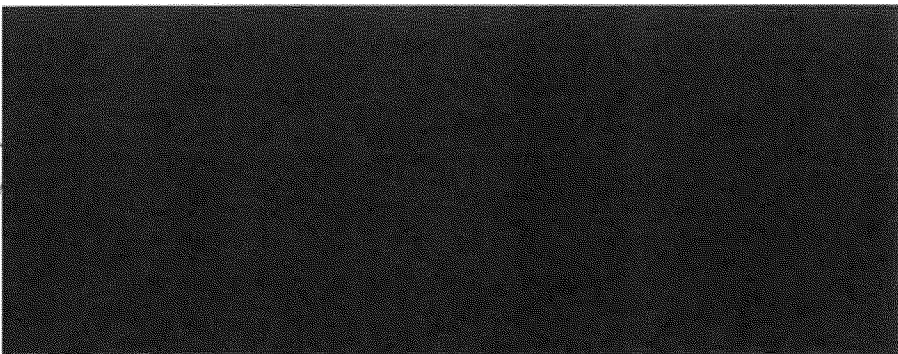
Person Hospitalized?: No

Injured: No

Notes:

Linked To Person: M d, Timothy

Ow

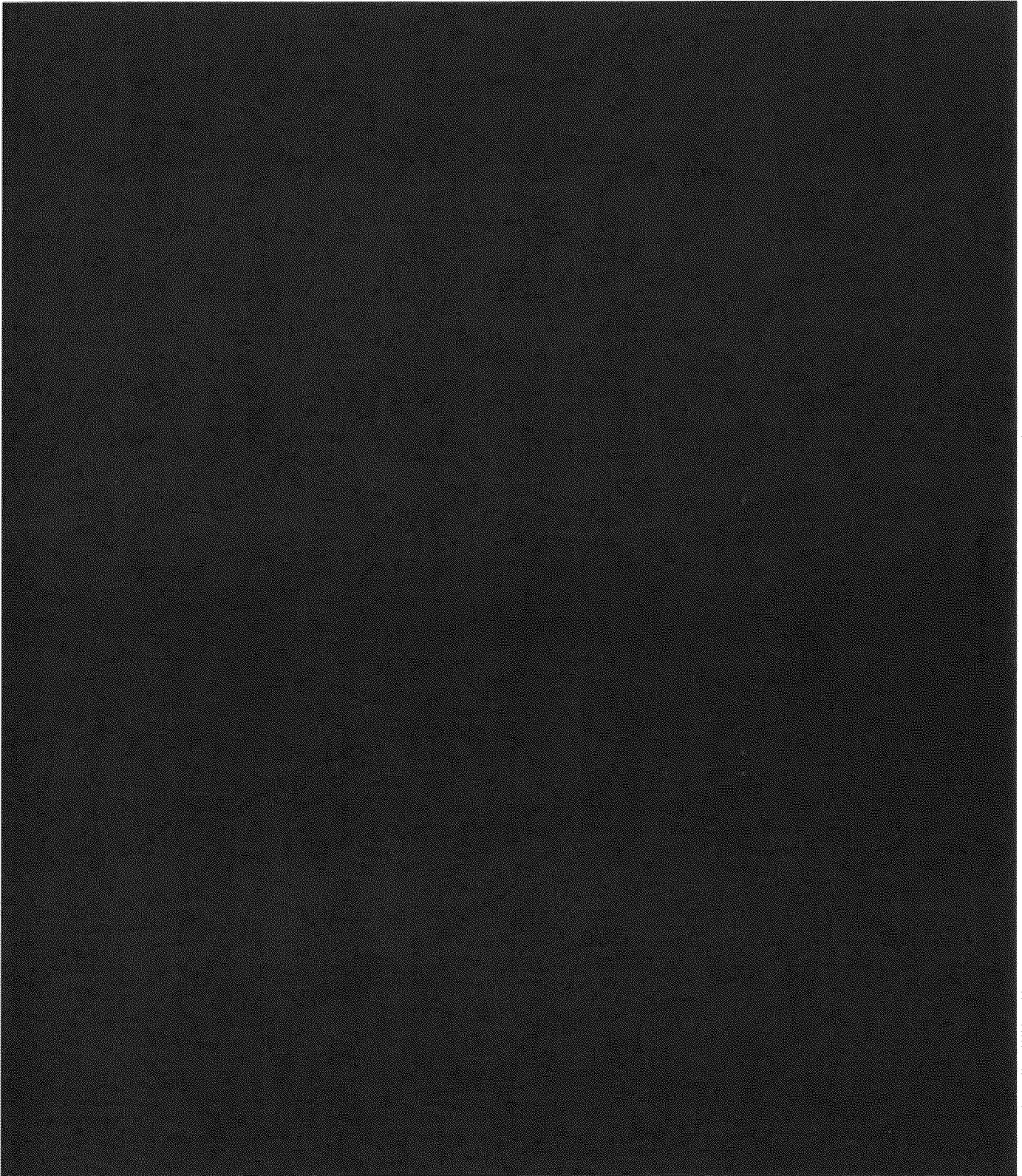


Exh
Pag

Incident Number: SURV-2022-10-00060

Class/Category:

Status:



Owner Workgroup:
Surveillance

Access Level:
Level 2

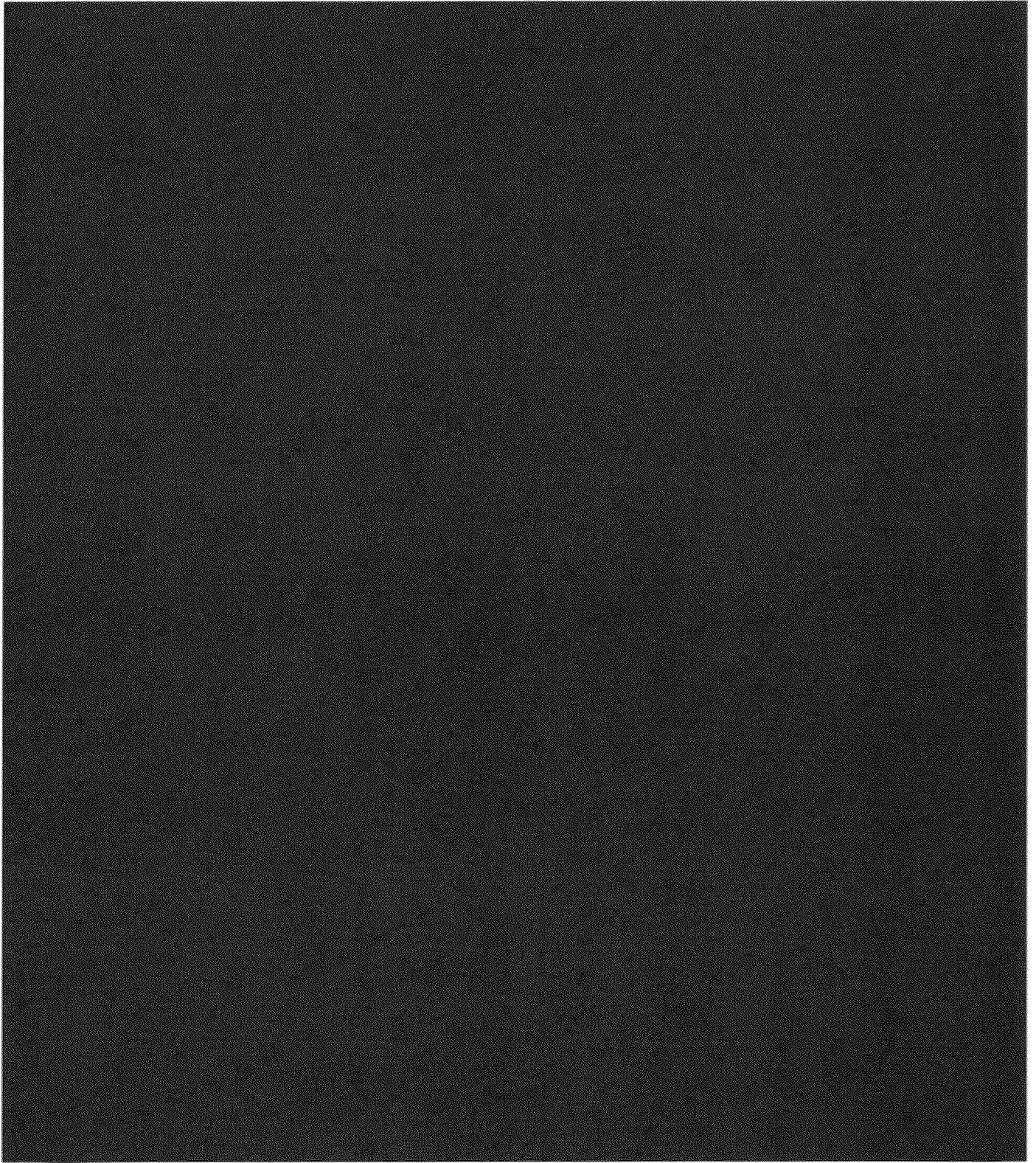
Local Print Date/Time:
10/24/2022 10:49 AM

Exhibit # 3
Page # 5

Incident Number: SURV-2022-10-00060

Class/Category:

Status:



Owner Workgroup:
Surveillance

Access Level:
Level 2

Local Print Date/Time:
10/24/2022 10:49 AM

Page 5 of 8

Exhibit # 3
Page # 6

Incident Narratives

Incident Narratives

Total = 1

AUTHOR: 39, Surv **Narrative Type:** Original Narrative

Created By Date/Time 10/21/2022 4:43 PM **Sealed** No

Narrative:

Origin of Call: On October 21, 2022 at approximately 10:38 hours Surveillance was advised by Slot Operations Specialist Pedro Polanco of two guests who were observed engaging in suspicious gaming activity, bill stuffing.

Video Coverage:

Below is a timeline detailing Timothy A. Macdonald's and [REDACTED] activities while on property:

10:31 hours - Both Timothy and [REDACTED] enter through the North entrance.

10:33 hours to 10:38 hours - Both Timothy and [REDACTED] are observed bill stuffing at machines 8K-02 and 8K-03.

10:39 hours - Both Timothy and [REDACTED] use the Kiosks next to the Player's Club.

10:40-10:58 hours - Both Timothy and [REDACTED] begin to game at machines 5G-01 and 5G-02. They are observed placing bets, piling their printed vouchers, and removing Player's Club cards from the machines to insert others.

It is confirmed that they are in possession of cards belonging to at least two guests, Alona [REDACTED] and Hershel [REDACTED].

Timothy Macdonald is observed taking one of [REDACTED] vouchers and putting it inside of his jacket.

10:58 hours - Both Timothy and [REDACTED] walk away from 5G-01 and 5G-02 with multiple vouchers.

11:01 hours - Timothy Macdonald is observed stopping at a machine as he utilizes his cellphone's calculator, counting his bills and adding numbers (final number came out to 7,650 on his phone.)

11:04 hours - Timothy Macdonald uses the Kiosk by Zone 15 (BINGO area).

11:04 hours to 11:16 hours - Scott Macdonald is observed gaming at machine 3A-01.

11:05 hours - Timothy Macdonald uses the Kiosk by the West entrance.

11:06 hours - Timothy Macdonald cashes out a voucher at the Main Cage for \$1,354.

11:08 hours - Timothy Macdonald cashes out at NRT #10 where he is observed reinserting certain bills in exchange for smaller bills and then counting his funds numerous times.

11:13 hours to 11:18 hours - Timothy Macdonald is observed bill stuffing at machine 2F-04.

Timothy Macdonald inserts a few large bills at a time, prints a voucher, and then begins stuffing more denominations (100s, 20s, 5s).

11:16 hours to 11:28 hours - [REDACTED] is observed gaming at machine 3A-03.

11:24 hours - Timothy Macdonald uses the Kiosk by Zone 15 (BINGO area).

11:27 hours to 11:28 hours - Timothy Macdonald is observed bill stuffing at machine 3B-01.

11:28 hours to 11:44 hours - [REDACTED] is observed gaming at machine 3A-05.

Incident Number: SURV-2022-10-00060

Class/Category: Criminal/Cheating

Status: Open

11:28 hours to 11:42 hours - Timothy Macdonald is observed gaming at machine 3B-02

11:42 hours - Both Timothy and [REDACTED] are observed gaming at machines 3A-05 and 3A-06.

11:44 hours to 11:48 hours - Both Timothy and [REDACTED] enter the South men's restroom.

11:49 hours to 12:09 hours - Both Timothy and [REDACTED] begin to game at machines 5G-04 and 5G-05. They are observed inserting vouchers and placing bets. Again, Timothy Macdonald is observed taking one of Scott Macdonald's vouchers and putting it inside of his jacket.

12:14 hours to 12:26 hours - Timothy Macdonald games at machine 3B-02.

Timothy Macdonald appears to advise [REDACTED] to sit elsewhere when he attempts to sit at machine 3B-01. Timothy Macdonald is observed counting his vouchers and bills. Timothy Macdonald goes to NRT #10, then returns.

12:14 hours to 12:30 hours - [REDACTED] games at machine 3B-04.

12:30 hours to 12:38 hours - Timothy Macdonald and [REDACTED] are initially approached by Director of Security Jean Lara, Security Manager Roy McCloud, Security Supervisor Jason Duncan, Director of Compliance Iliana Velazquez, and Director of Surveillance Favio Munoz.

12:40 hours - Both Timothy Macdonald and [REDACTED] are escorted to NRT #10 by Director of Security Jean Lara, Security Manager Roy McCloud, and Security Supervisor Jason Duncan.

12:42 hours - Both Timothy and [REDACTED] are escorted out through the North doors by Director of Security Jean Lara, Security Manager Roy McCloud, and Security Supervisor Jason Duncan.

12:43 hours to 12:47 hours - Both Timothy and [REDACTED] return to their vehicle and depart property.

Information Supplied:

Director of Security Jean Lara issued both Timothy and [REDACTED] lifetime bans.

Person's Involved:

Suspects - Timothy A. Macdonald and [REDACTED]

Reporting Party - Director of Security Jean Lara

RUA's have been filled out for both Guests.

Video has been saved and available upon request.

Incident Number: SURV-2022-10-00060

Class/Category: Criminal/Cheating

Status: Open

Incident Controls

Incident Controls

<u>Org Rollup Name</u>	Access Level:	Level 2
Org Level 1:	Status:	Open
Org Level 2:		
Org Level 3:		
Org Level 4:	Locked:	No
	Archive (record not visible):	No
	Record Owner:	39, Surv

Incident Visibility

Owner Workgroup: Surveillance

All Workgroups: None

Exceptions:

Workgroup Name

Record Rights



Incident Record Created By ashley.kalisch, 10/21/2022 8:40 PM GMT

Last Modified By ashley.kalisch, 10/22/2022 9:36 PM GMT

Owner Workgroup:
Surveillance

Access Level:
Level 2

Local Print Date/Time:
10/24/2022 10:49 AM

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Exhibit # 3
Page # 9




**Florida Gaming Control Commission
Division of Pari-Mutuel Wagering
Investigations Section**

2023 012964 PROPERTY RECEIPT

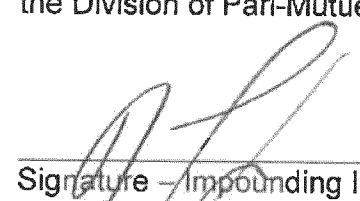
Complaint # 2023 004371 Date 1/17/23 Lab # _____

Item No.	Quantity	Description
1	1	USB MEMORANDUM
		MONEY LAUNDERING
		SURV - 2022-10-0060
		MONEY STUFFING OF
		SLOT MACHINES

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

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 - 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 _____



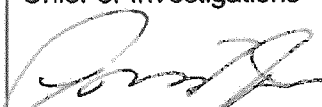
Received by: _____ Date: _____
 Received by: _____ Date: _____
 Received by: _____ Date: _____

Copies for: File, Transmittal, Laboratory, Property Receipt

Louis Trombetta, Executive Director

Ron DeSantis, Governor

OFFICE OF INVESTIGATIONS
INVESTIGATIVE REPORT

Office: PMW	Region: SOUTHERN	Date of Complaint: March 7, 2023	Case Number: 2023 01 2964
Respondent: MACDONALD, TIMOTHY 19113 N 19TH PL. PHOENIX, ARIZONA 85024		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: March 24, 2023
Period of Investigation: November 15, 2022 through March 24, 2023		Type of Report: Final	
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: (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.			
Synopsis: On October 21, 2022, Scott MacDonald and Timothy MACDONALD visited Calder Casino. During their visit they were stopped by Calder's Director of Security J. C. Lara after Lara received information that an individual was inserting \$100.00 bills into Slot Machines and immediately (without playing) would print out a voucher. When Lara approached [REDACTED] he pulled out the Players Club card that [REDACTED] had inserted into the slot machine he was using and found that the card was in the name of Ian [REDACTED]. He was also found to have two (2) additional Players Club cards that were not in his name. Both Timothy MACDONALD & [REDACTED] were permanently excluded from the facility.			
Related Case(s): 2023 00 4871			
Investigator / Date  Raul Suau / March 24, 2023		Investigator Supervisor / Date  Julio Minaya / April 5, 2023	
Chief of Investigations / Date  Bradford D. Jones for Steven E. Kogan / April 23, 2023			

CONTINUATION

On November 15, 2022, this Investigator received an e-mail from Calder's Risk and Communication Manager, Melissa Brooks containing an updated weekly facility exclusion list. While reviewing the list, I discovered the names of two patrons that had been permanently excluded from the facility for Suspicious Activity which had been added to the list. The men were identified as [REDACTED] and Timothy **MACDONALD**. The above incident was documented in Calder Security Incident Report SEC-2022-10-00059 and Surveillance Report SURV-2022-10-00060 (**Exhibit #1**).

On January 12, 2023, I visited Calder Casino where I requested and received a copy of the related surveillance video along with the Security and Surveillance Reports of the incident.¹

According to Surveillance Report SURV-2022-10-00060 and Security Report SEC-2022-10-00059 created on October 21, 2022, Slot Operation Specialist Pedro Polanco notified Surveillance that two patrons later identified as [REDACTED] and Timothy **MACDONALD**, were observed "bill stuffing"² slot machines. Upon being notified by Polanco, surveillance began to follow the two men. The men were observed inserting a Players Club card into a Slot Machine prior to "bill stuffing" the slot machines. After inserting a quantity of money into the machine, each man would print vouchers out and cash them. Both men were also observed inserting vouchers into slot machines and placing small bets. They would then compile their printed vouchers, and remove the current Player's Club cards from the machine and insert another Player's Club card before repeating the process.

On one occasion Timothy **MACDONALD** was observed taking one o [REDACTED] vouchers and placing it inside his jacket. Timothy **MACDONALD** can also be seen on numerous occasions counting his bills, while utilizing his cell phone to apparently calculate his total. He was also observed using numerous kiosks to cash out the vouchers. Throughout their entire time in the facility, both men were observed by surveillance utilizing different Player Club cards that were ultimately confiscated by the Director of Security Jean Lara when he confronted them. Accompanying Lara were Director of Compliance Iliana Velazquez, Director of Surveillance Favio Munoz and other members of the Calder security team who stood by while Lara identified the two men and confiscated a total of six Player's Club cards³ from them. When questioned by Security Director Lar [REDACTED] stated that he received the money and the Players Club cards from a friend of his whom he identified as "Aaron from Vegas."

After identifying [REDACTED] and Timothy **MACDONALD**, they were escorted to the Ticket Redemption Machine NRT #10 and allowed to cash out. Once they finished cashing out, both men were informed that they were being permanently excluded from the facility and that they should not return. They were then allowed to leave without further incident. Law enforcement was not present during this incident nor were they subsequently contacted.

Independent video review by this Investigator confirmed the information listed on both the Surveillance and Security Reports. There is one additional fact noticed during this review. Both **MACDONALDs**, upon sitting at the slot machine in question, placed a stack of vouchers they had previously printed in front of them. They would insert one voucher, place one bet and then print out a new voucher. The newly printed voucher would be placed at the bottom of the stack of vouchers in front of them and the one on top would be inserted into the slot machine. This action was repeated several times by both individuals.

¹ On January 26, 2023 I requested and received the surveillance report from Iliana Velazquez, Calder Director of Compliance.

² A practice whereby a casino customer goes to various slot machines putting cash in the bill acceptors and collects cash-out vouchers with nominal gaming activity, keeping the amount below \$1,200.00 which allows them to use the Ticket Redemption Machines and circumvent IRS reporting requirements.

³ Player's Club cards confiscated belong to Alona Rolle, Hershel Freeman, Ian Saliba and Tamekia Jackson. (**Exhibit #4**)

CONTINUATION

On January, 30, 2023, I again visited Calder Casino and interviewed Compliance Officer Iliana Velasquez regarding the patrons whose Player's Card were being used and were confiscated. The Players Club accounts of these individuals were flagged and blocked by Players Club staff. The names of the players on the cards confiscated were checked with a database of individuals who are suspected of participating in other schemes versus the facility and there was no match. There was also no report of the cards being lost or stolen.

On March 22, 2023 I visited Calder Casino in reference to this case. I obtained the phone numbers of the four owners of the Players Cards seized from the **MACDONALDs**. On the same date, a phone call was made to them by Investigations Supervisor Julio Minaya. Below are the individuals called with the phone numbers and result of those phone calls:

- Ian [REDACTED] A voice mail could not be left because the voice mail box was full.
- Her [REDACTED] Wrong number, a female answered the phone.
- Tamika [REDACTED]. Phone # was changed/disconnected. A Verizon automated message answered.
- Alona [REDACTED] Left voice mail. A second phone number was also called. Phone [REDACTED]. No incoming calls are accepted on the phone (**Exhibit # 5**).

On April 3, 2023, the undersigned investigator along with Supervisor Minaya contacted Director of Compliance Iliana Velasquez and requested the last activity dates of each Players Club cards prior to the date of incident of October 21, 2022. Per Velasquez, the last activity documented by the Gaming Database revealed the following; Ian [REDACTED], Hersche [REDACTED], Tamekia [REDACTED] and Alona [REDACTED].

Velasquez also provided the Suspicious Activity Report (SAR) tracking ID: SX22-00404183 which was filed with FinCen⁴ on November 7, 2022 (**Exhibit #6**).

On April 4, 2023, an Accurint check was conducted in an attempt to determine if the **MACDONALD's** were related as no such inquiry was made by the facility on the date of the incident. No correlation between the two men was discovered. As of the date of this report, none of the above-named card holders have returned Supervisor Minaya's calls nor are they known to have returned to or contacted Calder Casino.

Case closed by Investigations and forwarded to Legal for review.

⁴ *Financial Crimes Enforcement Network*

CONTINUATION

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RECEIVED
 Ebonie
 JUN 05 2023
 FGCC v. TIMOTHY MACDONALD
 FGCC General Counsel

FILED
 FLORIDA GAMING CONTROL COMMISSION
 Date: 6/06/2023
 File Number:
 BY: MELBA L. APELLANIZ
 CLERK OF THE COMMISSION

STATE OF FLORIDA
 FLORIDA GAMING CONTROL COMMISSION

ELECTION OF RIGHTS

CASE NO.: 2023-012964

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.

Tim MacDonald
 PRINTED NAME

ATTORNEY OR QUALIFIED REPRESENTATIVE

12113 N 19th St
 Street Address

Street Address (where service shall be made)

Phoenix AZ 85024
 City State Zip

City State Zip

623-434-3283
 Telephone Number Facsimile Number (if any)

Telephone Number Facsimile Number (if any)

Tim.MACDONALD@COX.NET
 E-mail

E-mail

[Signature]
 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

EXHIBIT
 2

5/27/2023

To: Florida Gaming Control Commission

Case: 2023-012964

With regard to this complaint:

I don't dispute that we were using someone else's players card when we were in Calder. My friend Eric (not Aaron as you listed in the paperwork) said he would give us \$100 and a steak dinner if we would put some points on his other friends players cards. I didn't know that wasn't allowed because I assumed the casino was always happy to take peoples money if they wanted to come in and bet.

With regard to the cheating and money laundering complaint, that's ridiculous. If I recall right, we lost about \$350-400 playing on the roulette machine. Which makes us pretty bad cheaters since we were loosing money. Eric told us the bill acceptors on the Calder roulette machines were very slow, so it was easier to play if we made some bigger tickets beforehand. That way, when we need to add more money, we could do it in one shot. So that's what we did. And since the Calder security guy said that he was watching us, then he should have seen that we made some tickets and then went and played roulette. And if he didn't see it, then he's bad at his job.

However, since I don't have any money for a lawyer and hadn't planned on being back in Florida any time soon, I'll check the third box.

A handwritten signature in black ink, appearing to read "Tim MacDonald". The signature is written in a cursive, somewhat stylized font.

Tim MacDonald

1913 N. 19th Rd.
Phoenix, AZ 85024

RECEIVED
2023 JUN -5 AM 9:41
FLORIDA GAMING
CONTROL COMMISSION

PHOENIX AZ 852
30 MAY 2023 PM 10 L



FOREVER US

FL GCC
ATTN: B. LAWLER
2601 BLAIR STONE ROAD
TALLAHASSEE, FL 32399-2202

32399-220299



Donna Fleming

From: Clerk
Sent: Tuesday, June 6, 2023 2:06 PM
To: Ebonie Lanier; Donna Fleming
Cc: Emily Alvarado
Subject: Election of Rights (Filed)
Attachments: 23-012964.Macdonald.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon,

Attached find Election of Rights filed today, 6/06/2023, for:

1. Timothy Macdonald, 2023-012964



Melba L. Apellaniz
Clerk of the Commission
Office of the General Counsel
Florida Gaming Control Commission
Phone: (850) 717-1913 | Fax (850) 488-0550

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