

STATE OF FLORIDA
FLORIDA GAMING CONTROL COMMISSION

FLORIDA GAMING CONTROL COMMISSION,
DIVISION OF PARI-MUTUEL WAGERING

Petitioner,

v.

BEATRICE GILLISPIE,

FGCC Case No.: 2023-031192

Respondent.

FINAL ORDER

This matter appeared before the Florida Gaming Control Commission at a duly-noticed public meeting on January 11, 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.

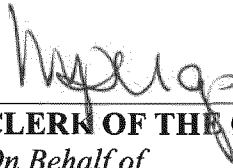
ORDERED and ADJUDGED:

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 11th day of JANUARY, 2024.

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

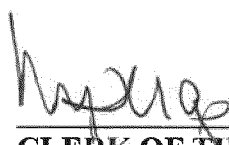
NOTICE OF RIGHT TO APPEAL

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, 4070 Esplanade Way, Tallahassee, Florida 32399 (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 that on this 11th day of JANUARY, 2024, a true and correct copy of this Final Order has been sent via U.S. Mail to:

Beatrice Gillispie
c/o Larry R. Handfield
4770 Biscayne Boulevard, Suite 1250
Miami, Florida 33137



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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DIVISION OF PARI-MUTUEL WAGERING,

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v.

FGCC Case No.: 2023-031192

BEATRICE GILLISPIE,

Respondent.

_____ /

HEARING OFFICER'S RECOMMENDED ORDER

THIS MATTER came before Elizabeth K. Stinson, designated Hearing Officer for the Florida Gaming Control Commission ("Commission"), on October 12, 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 Beatrice Gillispie ("Respondent") in FGCC Case Number 2023-031192. The Commission was represented by Emily A. Alvarado, Deputy Chief Attorney. Respondent was represented by Larry R. Handfield 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 or about July 18, 2023, the Commission filed an Administrative Complaint against Respondent alleging that on June 12, 2023, Respondent was issued a trespass warning and is barred from entering Casino Miami, 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 or about August 9, 2023, Respondent requested an informal hearing pursuant

to section 120.57(2), Florida Statutes.

3. Included with Respondent's request for an informal hearing was a Mitigation Report of Mrs. Beatrice Gillispie ("Report").

4. The Report stated that Mrs. Gillispie was issued a Casino Miami Trespass Statement on June 12, 2023, and was barred from the Casino Miami property.

The October 12, 2023, Informal Hearing

5. At the informal hearing held on October 12, 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 admitted the investigative report into the record.

6. At the hearing, Respondent testified about a variety of topics:

- a. Respondent explained the circumstances surrounding Casino Miami issuing her a trespass warning and barring her from the property.
- b. Respondent testified that she took money from a wallet that was left at a slot machine at Casino Miami because she considered it to be abandoned property.
- c. Respondent testified that she only took \$105 from the wallet but the facility said that \$500 was missing. Petitioner testified that she has repaid the \$500 to the facility.
- d. Respondent stated in the informal hearing that taking the money was not malicious or intentional.
- e. Respondent testified that she has never had any problems with law enforcement, and that she is sorry.

FINDINGS OF FACT

7. On or about May 24, 2023, Respondent was a patron of Casino Miami.
8. On or about June 12, 2023, Respondent was issued a trespass warning, and was barred from entering Casino Miami.
9. At all times material hereto, Casino Miami was a facility operated by a permit holder authorized to conduct pari-mutuel wagering, slot machines, and cardroom operations in the state of Florida.

CONCLUSIONS OF LAW

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

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

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. The Casino Miami Trespass Statement issued to Respondent on June 12, 2023, that bars Respondent from entering Casino Miami, constitutes an ejection of Respondent from Casino Miami.

15. Casino Miami is a facility of a slot machine licensee, and a pari-mutuel facility in the State of Florida.

16. In the informal hearing, Respondent admitted that she took money from a wallet on the slot machine gaming floor of Casino Miami.

17. Respondent's testimony neither mitigates the fact that Respondent was ejected from Casino Miami, nor precludes the Commission from excluding Respondent from any licensed pari-mutuel facilities and any facilities of a slot machine licensee in the State of Florida.

18. Therefore, due to Respondent's ejection from Casino Miami, pursuant to sections 550.0251(6), and 551.112, Florida Statutes the Commission may exclude Respondent from all licensed pari-mutuel wagering facilities and all facilities of a slot machine licensee in the State of Florida.

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

RECOMMENDED ORDER

WHEREFORE, based upon the Findings of Fact and Conclusions of Law, it is hereby recommended that the Florida Gaming Control Commission enter 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 Recommended Order in FGCC Case 2023-031192 is submitted this 9th day of January 2024.

/s/ Elizabeth K. Stinson

Elizabeth K. Stinson
Hearing Officer
Florida Gaming Control Commission

CERTIFICATE OF SERVICE

I hereby certify this 10th day of January 2024, that a true copy of the foregoing "Hearing Officer's Recommended Order" has been provided by mail and email to:

Beatrice Gillispie
c/o Larry R. Handfield
281 NE 162nd St.
North Miami, Florida 33162-4350
LarryHandfield@gmail.com

/s/ Melba L. Apellaniz
Agency Clerk